



## AGENDA

### PLANNING APPLICATIONS COMMITTEE

**Tuesday, 6th November, 2007, at 10.00 am**      Ask for:      **Andrew Tait**  
**Council Chamber, Sessions House, County**      Telephone:      **01622 694342**  
**Hall, Maidstone**

*Tea/Coffee will be available from 9:30 outside the meeting room*

#### **UNRESTRICTED ITEMS**

*(During these items the meeting is likely to be open to the public)*

#### **A. COMMITTEE BUSINESS**

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 9 October 2007 (Pages 1 - 10)
4. Site Meetings and Other Meetings

#### **B. GENERAL MATTERS**

1. Planning Applications Group Business Plan 2007/08 - Half Year Progress Report (Pages 11 - 16)

#### **C. MINERALS AND WASTE DISPOSAL APPLICATIONS**

1. Applications TM/07/512, TM/07/3101 and TM/07/3100 - (i) northern extension of existing quarry; (ii) additional time for duration of soil blending operations; and (iii) additional time for sand extraction and backfilling at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green; Borough Green Sand Pits Ltd. (Pages 17 - 64)
2. Application SH/06/1219 - Variation of Conditions 2, 3 and 13 and deletion of Condition 15 of Permission SH/98/332 for the extraction of sand and gravel at Allens Bank, off Dennes Lane, Lydd; Robert Brett and Sons Ltd. (Pages 65 - 82)

#### **D. DEVELOPMENTS TO BE CARRIED OUT BY THE COUNTY COUNCIL**

1. Proposal SE/07/2536 - Replacement of boundary fencing from chestnut paling fence to 1.8m high green weld-mesh fence at Seal CE Primary School, Zambra Way, Seal, Sevenoaks; Governors of Seal CE Primary School and KCC Children, Families and Education. (Pages 83 - 92)
2. Proposal DO/07/994 - Retention and renewal of consent for a four classroom mobile building with library, toilet and staff facilities at The Downs CE Primary School, Owen Square, Walmer; Governors of The Downs CE Primary School and KCC Children, Families and Education. (Pages 93 - 100)

3. Proposal SW/07/1069 - Retrospective application to retain a 12m high fence on top of the existing boundary wall at Minster College, Minster Road, Minster-on-Sea, Sheerness; Governors of Minster College and KCC Children, Families and Education. (Pages 101 - 110)
4. Proposal SE/07/1914 - Demolition of Garage Cottages and erection of new two storey teaching block, extension to existing Knoll Block and erection of four new single storey residential blocks, plus associated hard landscaping works at Valence School, Westerham Road, Westerham; KCC Children, Families and Education. (Pages 111 - 140)
5. Proposal DA/07/672 - Single storey modular building for use as a Children's Centre at Knockhall Community Primary School, Eynsford Road, Greenhithe; KCC Children, Families and Education. (Pages 141 - 162)
6. Proposal AS/07/1395 - Single storey modular building for use as a Children's Centre, car parking to existing school to be designated to Children's Centre and spaces lost by development to be re-provided on school hard play; hard play to be re-provided on soft landscaping at East Stour Primary School, Earlsworth Road, Willesborough; KCC Children, Families and Education. (Pages 163 - 176)

#### **E. COUNTY MATTERS DEALT WITH UNDER DELEGATED POWERS**

1. County matter applications (Pages 177 - 182)
2. Consultations on applications submitted by District Councils or Government Departments
3. County Council developments
4. Detailed submissions under Channel Tunnel Rail Link Act 1996 (None)
5. Screening opinions under Environmental Impact Assessment Regulations 1999
6. Scoping opinions under Environmental Impact Assessment Regulations 1999 (None)

#### **F. OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

##### **EXEMPT ITEMS**

*(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)*

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

*(Please note that the background documents referred to in the accompanying papers may be inspected by arrangement with the Departments responsible for preparing the report. Draft conditions concerning applications being recommended for permission, reported in sections C and D, are available to Members in the Members' Lounge.)*

Monday, 29 October 2007

**KENT COUNTY COUNCIL**

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**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 9 October 2007.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr J Curwood (substitute for Mrs S V Hohler), Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mrs E Green, Mr C Hibberd, Mr G A Horne, MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, Mr A R Poole, and Mr F Wood-Brignall.

OTHER MEMBERS: Dr T R Robinson

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr J Crossley); the Development Planning Manager, Mr A Ash; and the Democratic Services Officer, Mr A Tait.

**UNRESTRICTED ITEMS**

**79. Minutes**  
*(Item A3)*

RESOLVED that the Minutes of the meeting held on 11 September 2007 are correctly recorded and that they be signed by the Chairman.

**80. Clarification of Minute 07/74 in respect of Saturday use of all weather pitch and multi-use games area at Hugh Christie Technology College, White Cottage Road, Tonbridge**  
*(Item A4 – Report by Head of Democratic Services)*

(1) Mr R A Marsh moved, seconded by Mr T A Maddison that the decision on Saturday use recorded in Minutes 07/74 be confirmed.

*Carried 14 votes to 2*

(2) RESOLVED that the decision on Saturday use recorded in Minute 07/74 be confirmed.

**81. Site Meetings and Other Meetings**  
*(A5)*

The Committee agreed to visit Skinners School, Tonbridge on Tuesday, 6 November 2007 and Dungeness on Monday, 12 November 2007.

**82. Proposal DO/07/651 – Retention and renewal of a mobile classroom at Goodnestone CE Primary School, The Street, Goodnestone; KCC Children, Families and Education.**

*(Item D1 – Report by Head of Planning Applications Group)*

(1) Mr G A Horne moved, seconded by Mr A R Poole that the recommendations of the Head of Planning Applications Group be agreed, subject to the temporary permission being for 2 years.

(2) Mr J I Muckle moved, seconded by Mr T A Maddison as an amendment that permission be granted for a temporary period of three years, commencing at the expiry of the previous permission in November 2006.

*Amendment Carried 13 votes to 2*

(3) Mr J F L London moved, seconded by Mr W V Newman as an amendment that the recommendation of the Head of Planning Applications Group for a three year temporary permission from the grant of planning permission be agreed.

*Amendment Lost 4 votes to 8*

(4) On being put to the vote, the substantive motion as amended by Mr Muckle and Mr Maddison was carried by 14 votes to 3.

(5) The Chairman also agreed that the Chairman should write to the relevant Cabinet Portfolio holder to express the Committee's concern at the number of retrospective planning applications received from LEA schools.

(6) RESOLVED that:-

(a) permission be granted to the proposal subject to the imposition of a condition requiring the building to be removed and the site restored within 3 years of the expiry of the previous planning permission in November 2006;

(b) the applicant be advised by informative that planning permission is granted for a continued period to enable the preparation of a scheme to provide more suitable permanent accommodation at the school. It is considered that the continued siting of the mobile building fails to enhance the character or appearance of the Conservation Area; and

(c) the Chairman write to the relevant Cabinet Portfolio Holder on the Committee's behalf to express its concern at the number of retrospective planning applications received from LEA Schools.

**83. Proposal SW/07/902 – Creation of a children's centre within existing redundant space and minor internal works including the erection of a canopy in front of Cedar Block at Grove Park Primary School, Hilton Drive, Sittingbourne; KCC Children, Families and Education.**

*(Item D2 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions including the standard time limit; the development being carried out in accordance with the permitted details; details of the materials to be used to construct the canopy and buggy store; hours of use being restricted to 0800 to 1800 Monday to Friday; and implementation and ongoing review of a Green Travel Plan for the Centre.

**84. Proposal SH/07/746 – Temporary positioning of a steel storage container at The Harvey Grammar School Sports Fields, Cherry Garden Avenue, Folkestone; Governors of The Harvey Grammar School and KCC Children, Families and Education.**

*(Item D3 – Report by Head of Planning Applications Group)*

(1) Mr W Grudgings addressed the Committee in opposition to the proposal. He had previously provided supporting documents which were tabled. Mr S Hunnisett, Premises Manager of The Harvey Grammar School spoke in reply.

(2) In permitting the proposal, the Committee also agreed that the applicants should consider whether the location of the container could be adjusted to improve the view, but that this must not result in the container being located any nearer to the neighbouring properties. The Committee also agreed that space between the container and the wall should not be used for additional storage.

(3) RESOLVED that:

- (a) permission be granted to the proposal subject to conditions including conditions covering the standard time condition; the storage container being permitted for a time period of two years only; the development being carried out in accordance with the permitted plans; a scheme of landscaping being submitted; and no storage taking place between the container and the wall; and
- (b) the applicants be requested to consider whether the location of the container could be adjusted to improve the view (subject to it not being sited any nearer to adjoining properties).

**85. County Matters dealt with under Delegated Powers**

*(Items E1-E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils or Government Departments;
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 6 November 2007.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mrs V J Dagger, Mr J A Davies, Mr J B O Fullarton, Mr T Gates, Mrs E Green, Mr C Hibberd, Mrs S V Hohler, Mr G A Horne, MBE, Mr S J G Koowaree, Mr J F London, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, Mr A R Poole and Mr F Wood-Brignall.

OTHER MEMBERS: Mr R J Parry

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr M Clifton, Mr J Crossley and Mr J Wooldridge); the Development Planning Manager, Mr A Ash; and the Democratic Services Officer, Mr A Tait.

#### UNRESTRICTED ITEMS

**86. Minutes**  
(Item A3)

RESOLVED that the Minutes of the meeting held on 9 October 2007 are correctly recorded and that they be signed by the Chairman.

**87. Site Meetings and Other Meetings**  
(Item A5)

The Committee noted the arrangements for the site visit to Dungeness on 12 November 2007 and the training session on Heritage and Archaeology on 26 November 2007.

**88. Planning Applications Group Business Plan 2007/08 – Half Year Progress Report**  
(Item B1 – Report by Head of Planning Applications Group)

RESOLVED that the half year progress against the current Business Plan be noted and that a further update report be given to the Committee in February.

**89. Applications TM/07/512, TM/07/3001 and TM/07/3100 – (i) northern extension of existing quarry; (ii) additional time for duration of soil blending operations; and (iii) additional time for sand extraction and backfilling at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green; Borough Green Sand Pits Ltd.**  
(Item C1 – Report by Head of Planning Applications Group)

(1) Mrs V J Dagger made a declaration of personal interest as she was representing the views of her constituents. She addressed the Committee in her capacity as local Member but took no part in the decision-making process.

(2) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 12 votes to 2.

(3) RESOLVED that:-

- (a) subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 7 of the report and the applicants meeting the County Council's reasonable legal costs associated with this agreement, permission be granted to Application TM/07/512 for the northern extension of the existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials, subject to conditions covering amongst other matters duration of the permission (until 31 December 2018); requirement for annual progress reports; maximum depth of extraction (68m AOD); wastes being restricted to those types set out in the application; hours of operation; noise limits; dust controls; lighting (to minimise visual impacts); vehicle movement restrictions (60 per day – 30 in/30 out); use of existing site access only; measures to minimise mud, dust and other debris being deposited on the highway (including vehicle sheeting); landscape planting and long term maintenance; protection of existing trees; removal of permitted development rights; more detailed working, restoration and aftercare schemes; surface water drainage; appropriate soil handling and storage; ecology; and archaeology and historic landscape;
- (b) in respect of Application TM/07/3101, permission be partially granted to vary Condition 1 of Permission TM/05/1672 to relax the time limit for soil blending operations to continue only in the final location on the site plan beyond 2008 to 31 August 2018 in order to meet the revised quarry restoration timescales proposed in Application TM/07/512 (above), subject to conditions covering amongst other matters a limit on operations until sand reserves are exhausted or the end of 2015 (whichever is the sooner); and existing conditions being replicated or amended as necessary;
- (c) permission be granted to part of Application TM/07/3100 to vary Condition 3 of Permission TM/98/1843/MR100, as amended by Permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling, to provide an amended timetable for implementation of restoration pursuant to Condition 2 of Permission TM/98/1843/MR100 subject to conditions covering amongst other matters duration of the Permission (until 31 December 2018); sand extraction being completed in the existing area before extraction commences in the proposed northern extension; and existing conditions being replicated or amended as necessary; and
- (d) permission be granted to part of Application TM/07/3100 to depart from the requirement of Condition 2 of Permission TM/98/1843/MR100 and for the amendment of the details of site buildings and associated facilities pursuant to Condition 21 of Permission TM/98/1843/MR100.

**90. Application SH/06/1219 – Variation of Conditions 2, 3 and 13 and deletion of Condition 15 of Permission SH/98/332 for the extraction of sand and gravel at Allens Bank, off Dennes Lane, Lydd; Robert Brett and Sons Ltd.**  
*(Item C2 – Report by Head of Planning Applications Group)*

- (1) Mr F Wood-Brignall made a declaration of personal interest as he had previously given his views on the application. He addressed the Committee in his capacity as local Member but took no part in the decision-making process.
- (2) Correspondence from Lydd Town Council maintaining its objection was tabled.
- (3) The Committee agreed to the inclusion of an Informative to indicate that it would wish the operation to be concluded within 10 years of the granting of permission.
- (4) RESOLVED that:-
  - (a) permission be granted to the variation of Conditions 2, 3) and 13 and to the deletion of Condition 15 of Permission SH/98/322 subject to extraction of sand and gravel from the site taking place over a period of 10 years; the Scheme of Work providing for extraction to take place over 10 separate phases together with their progressive restoration upon the completion of extraction in each successive phase using imported inert waste materials; there being no restriction on where the extracted materials are subsequently exported; and to conditions including conditions requiring the progressive working and restoration of the site being carried out strictly in accordance with the application details as indicated on drawing no. AB/200 rev A. submitted with the letter from Davies Planning dated 30 March 2007; operations ceasing within 10 years from the date of the recommencement of sand extraction, and the site being restored within a further 12 months in accordance with the 'Further Revised Restorations & Landscape Assessment' undertaken on behalf of Brett Aggregates Ltd by Keith Funnell Associates dated February 2007 which accompanied the letter from Davies Planning dated 30 March 2007; written notice being given to the County Planning Authority at least 14 days prior to the recommencement of sand extraction at the site; and details of the proposed tree planting and seed mixes including those areas of the site to be reinstated as acid grassland being submitted to the County Planning Authority for approval within 3 months of the date of this Permission; and
  - (b) the applicant be advised of the following Informatives:-
    - (i) attention is drawn to the requirements of EDF Energy, Natural England and Network Rail as set out in their letters attached to this Application;
    - (ii) all other Conditions imposed on Permission SH/98/322 remain in effect; and
    - (iii) the Committee would wish to see the completion of operations within 10 years of the granting of permission.



- 91. Proposal SE/07/2536 – Replacement of boundary fencing from chestnut paling fence to 1.8m high green weld-mesh fence at Seal CE Primary School and Zambra Way, Seal, Sevenoaks; Governors of Seal CE Primary School and KCC Children, Families and Education**  
*(Item D1 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; and the development being carried out in such a way as to avoid the removal of existing trees and shrubs.

- 92. Proposal DO/07/994 – Retention and renewal of consent for a four classroom mobile building with library, toilet and staff facilities at The Downs CE Primary School, Owen Square, Walmer; Governors of The Downs CE Primary School and KCC Children, Families and Education**  
*(Item D2 – Report by Head of Planning Applications Group)*

RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions including conditions covering the removal of the mobile building by 30 November 2010 and reinstatement of the land to its former use; and the development being carried out in accordance with the permitted plans; and
- (b) the applicant be advised by Informative that:-
  - (i) the further period of retention of three years is on the proviso that urgent progress will be made with regard to the development of a scheme to provide appropriate permanent teaching accommodation at the earliest opportunity; and
  - (ii) the Managing Director of Children, Families and Education is strongly advised to include this school in the Modernisation Programme for replacement of temporary accommodation.

- 93. Proposal SW/07/1069 – Retrospective application to retain a 1.2m high fence on top of the existing boundary wall at Minster College, Minster Road, Minster-on-Sea, Sheerness; Governors of Minster College and KCC Children, Families and Education**  
*(Item D3 – Report by Head of Planning Applications Group)*

RESOLVED that:-

- (a) permission be refused on the grounds that by virtue of its scale, massing and bulk, and the visual appearance of the chosen colour scheme, the fence would have an overbearing visual impact to the detriment of both the street scene and residential properties along Parsonage Chase, contrary to Structure Plan Policy QL1 and Local Plan Policy G1; and
- (b) given the retrospective nature of the application, urgent steps be taken to remove the timber boarded fence, and that this case be reported to Regulation Committee at the next available date.

**94. Proposal SE/07/1914 – Demolition of Garage Cottages and erection of new two storey teaching block, extension to existing Knoll Block and erection of four new single storey residential blocks, plus associated hard landscaping works at Valence School, Westerham Road, Westerham; KCC Children, Families and Education.**

*(Item D4 – Report by Head of Planning Applications Group)*

*(Mr R J Parry was present for this item and spoke pursuant to Committee Procedure Rule 2.24).*

- (1) The Head of Planning Applications Group reported correspondence from Sevenoaks District Council maintaining its objection to the proposal, and the views of Westerham Parish Council and Natural England raising no objections.
- (2) On being put to the vote the recommendations of the Head of the Planning Applications Group were carried unanimously.
- (3) RESOLVED that:-
  - (a) the application be referred to the Secretary of State for Communities and Local Government and that subject to her decision and satisfactory resolution of the outstanding issues on contamination and ecology, permission be granted to the proposal subject to conditions, including conditions covering the standard time limit, the development being carried out in accordance with permitted details; external materials; submission for approval of details and implementation and subsequent maintenance of landscaping proposals; submission for approval of details and implementation of proposed woodland management; implementation of appropriate tree protection measures; external lighting specifications being agreed; submission for approval of specifications and implementation of programmes of archaeological work and building recording before development takes place; submission for approval of details of foul and surface water drainage; measures to deal with ground contamination; ecological/protected species mitigation, monitoring and management; biodiversity enhancement, monitoring and management, as appropriate; and measures to prevent mud and debris being taken onto the public highway; and
  - (b) the applicant be advised by Informative that account should be taken of the Environment Agency's advice relating to drainage, groundwater protection and in how to deal with contaminants.

**95. Proposal DA/07/672 – Single storey modular building for use as a Children's Centre at Knockhall Community Primary School, Eynsford Road, Greenhithe; KCC Children, Families and Education.**

*(Item D5 – Report by Head of Planning Applications Group)*

- (1) Correspondence from Swanscombe and Greenhithe Town Council was tabled maintaining its objection to the proposal and requesting a Members' site visit.
- (2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit for implementation; sample of the render; the fencing being finished in green to match the existing fencing;

protection of trees during construction; replacement trees if any are removed; and the development being carried out in accordance with the permitted details.

- 96. Proposal AS/07/1395 – Single storey modular building for use as a Children’s Centre, car parking to existing school to be designated to Children’s Centre and spaces lost by development to be re-provided on school hard play; hard play to be re-provided on soft landscaping at East Stour Primary School, Earlsworth Road, Willesborough; KCC Children, Families and Education.**  
*(Item D6 – Report by Head of Planning Applications Group)*

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details, details of external materials being submitted; details of a scheme of landscaping being submitted; details of cycle parking; details confirming that the development will achieve a sustainable and energy efficient building; details of foul and surface water drainage; replacement car parking being provided prior to commencement of use of the Centre; details of anti-climb measures/ barriers being submitted and installed on the building; hours of use for the Children’s Centre being restricted to 0800 to 1800 Monday to Friday; the use of the building being restricted specifically to use as a Children’s Centre only; and submission, implementation and ongoing review of a Travel Plan for the Children’s Centre.

- 85. County Matters dealt with under Delegated Powers**  
*(Items E1-E6 – Reports by Head of Planning Applications Group)*

RESOLVED to note reports on items dealt with under delegated powers since the last meeting relating to:-

- (g) County matter applications;
- (h) consultations on applications submitted by District Councils or Government Departments;
- (i) County Council developments;
- (j) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (k) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (l) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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## **Planning Applications Group Business Plan 2007/08 – Half Year Progress Report**

Report by Head of Planning Applications Group to the Planning Applications Committee on 6 November 2007

Summary: Half yearly report on progress against 2007/08 Business Plan

Recommendation: Members are asked to note progress as contained in the report

Local Member: n/a

Unrestricted

### **Background**

1. This report summarises progress for the half year against Business Plan Targets for 2007/08. The report includes progress against national and local performance indicators. The Business Plan for 2007/08 was reported to the 15<sup>th</sup> May 2007 Planning Applications Committee.
2. The Planning Applications Group undertakes the County Council's statutory development control function. This relates to minerals and waste management development and the County Council's own community development ie. new school facilities. It includes the processing of applications, as well as pre-application advice, enforcement and monitoring. In terms of policy development, the Group is now assisting on the preparation of the emerging Local Development Frameworks for Minerals and Waste and seeks to influence new policy at national, regional and local level. The current Business Plan identifies these as key activities for the Group. It also includes providing advice and training to Members on relevant planning issues and a review of the Group's Planning Applications systems.
3. The Business Plan sets out key performance indicators relating to the development control service.

### **Development Control**

#### **County Matter Development (Minerals and Waste)**

4. The national performance indicator BVPI 109 applies to this activity and has a locally set target to determine 70% of County Matter applications (excluding those with an environmental statement (EIA development)) within 13 weeks. For the period April to September 2007, 68.4% of applications were determined within 13 weeks. As a reflection of Government policy to shift the management of waste away from landfill, we continue to receive a higher proportion of waste applications than mineral development. The emphasis is on getting quality decisions in the swiftest time available.
5. In addition to the national performance indicator, there is a locally set County Council indicator relating to County Matter development. This seeks to measure the percentage of applications (including EIA development) determined within 16 weeks. The target is set at 70%. For the first 6 months of the Business Plan period, performance against the 16 week target has been exceeded with 74% of relevant county matter applications determined within 16 weeks
6. This financial year, permission has been granted for a variety of waste management facilities. These have included a recycling station in Snodland, a metals processing

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facility and end of life vehicle recycling facility in Ashford, variations to Shelford Landfill site, Canterbury and a number of improvements to waste water treatment works. The Committee also resolved to grant permission for an extension at Pinden Quarry, Dartford, pending conclusion of a legal agreement.

7. In addition, the County Council was successful in defending an appeal against a composting facility at Little Bayhall Farm, Tunbridge Wells. The Council was also successful in its cost claim against Southern Water Services for acting unreasonably and contrary to appeal guidance in withdrawing its appeal for improvements to the Aylesford Works on the day that the inquiry documents were to be exchanged.

### **County Council Development (Regulation 3 Applications)**

8. This area of the Group's business has a number of locally set performance indicators. Targets seek to determine 65% of applications within 13 weeks of validation and seek an average determination period of less than 12 weeks. To date, the Group's performance has continued to exceed the 65% target with 88% of applications determined within 13 weeks. Average time taken to determine applications is currently at 8 weeks, again exceeding the target of 12 weeks.
9. Since March 2007, planning permission has been granted for improvements to a wide range of community infrastructure. These include a new academy for Maidstone at Oldborough Community School and new teaching accommodation at Castle Hill School, Folkestone, Godinton Primary School, Ashford, Chaucer Technology School, Canterbury, Crockenhill School, St Joseph's School, Gravesend and Sussex Road, School, Tonbridge. Children's Centres, part of the Government's National Sure Start Programme to improve health and emotional support for young children and their parents across the County have been permitted at Hothfield, Gravesend, Maidstone, Folkestone, Faversham and Tunbridge Wells. New nursery accommodation has also been permitted in Gravesend and Tonbridge. Improved sports facilities have been permitted at Hugh Christie, Tonbridge, Whitstable Community College and Harrietsham. In September, the Committee granted permission for the Rushenden Relief Road, Sheppey subject to no direction to the contrary from the Secretary of State and the resolution of an appropriate assessment.

### **Additional Indicators**

10. Two additional indicators relate to both County Matter development and the Council's own development. They seek to acknowledge all applications within 3 working days of receipt and advise the applicant of the case officer within 10 working days. Performance against both these targets is currently at 100%.
11. Pre application advice continues to be a key part of the planning application service and is encouraged on a case by case basis for both county matter development and the County Council's own development proposals. As part of the latter, officers from the Group are represented on a range of working groups.

### **Planning Enforcement and Monitoring**

12. The Group is responsible for the monitoring and enforcement of minerals and waste development and the Council's own development. Details of breaches of planning control and progress on chargeable monitoring for mineral sites are reported to the Council's Regulation Committee that meets three times a year. I reported to the

## **Planning Applications Group Business Plan 2007/08 – Half Year Progress Report**

September Committee that resources have been focussed on 5 sites where formal enforcement has been taken, 25 cases where investigations are under investigation and a further 12 cases which have been satisfactorily resolved. The Group was successful in defending an enforcement appeal relating to extensive importation, deposit and burning of waste at Raspberry Hill, Iwade.

13. Enforcement resources are targeted in accordance with the Council's Enforcement Protocol to those sites where the activities being carried out have the potential to create the greatest environmental damage. These are investigated as a priority. Where possible we continue to seek to resolve cases without the need for lengthy and expensive formal action. Formal action should only be taken as a last resort and only where it is expedient to do so.
14. In April 2006, Regulations came into force giving Minerals and Waste Planning Authorities the power to charge for the monitoring of minerals and selected waste permissions. Progress has been made in implementing a chargeable monitoring scheme, with 16 chargeable visits this year. However, the Group does not currently have sufficient resources to deliver the required number of monitoring visits to meet best practice and so some element of prioritisation is taking place.

### **Challenges**

15. There have been 2 legal challenges to decisions taken by the Planning Authority - Wrotham Highway Depot and the Lawful Development Certificate for the Borough Green Bypass. As judicial proceedings are currently in hand, I am limited as to what information can be publicly shared at this time.
16. With respect to the highway depot, Members may recall that planning permission was granted for a highways depot at a former industrial estate at Wrotham. The site lies within the green belt and AONB and partially on land identified in the Local Plan for redevelopment. The challenge is being led by CPRE and alleges a review on 4 counts:
  - Bias on the basis that the decision to vote in favour was by one vote and 3 of the Planning Applications Committee who voted also attended the Highways Advisory Board when it considered the proposal as part of the KHS reorganisation;
  - Misapplication of AONB policy – Development should have been considered major in terms of development policy; should have satisfied national interest test, insufficient consideration of alternative sites; and duty to conservation and enhancement considerations;
  - Misapplication of green belt policy – insufficient evidence of very special circumstances; and
  - Misapplication of Environmental Impact Assessment Regulations in considering whether development should have been subject to EIA.

Following Counsel's advice the Council is vigorously contesting the grounds of claim on all 4 points. It submitted its case in July 2007. The Council is currently waiting for judgement from the High Court on whether there is a case to argue.

**Planning Applications Group Business Plan 2007/08 – Half  
Year Progress Report**

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17. In relation to the second challenge, I reported to the 11 September meeting.
18. The handling of 2 applications have also been referred to the Ombudsman. These relate to the resource centre at St Edmunds School, Dover and Whitstable Community College.
19. In the case of the resource centre at St Edmunds School, Dover, Members may recall that construction work was not carried out in accordance with planning permission reference DO/05/729. Investigation established that due to a setting out error, the works were some 3m closer to residential properties than permitted. A retrospective planning application to address the breach was submitted and approved by the Committee. Five local residents pursued a complaint to the Ombudsman. Whilst the Ombudsman found no fault with the planning procedures followed on this particular case, he was concerned with the length of time it took for the developers to stop the construction work once the breach was identified and pending the outcome of the planning application seeking to remedy the siting discrepancy. The Ombudsman found in favour of the residents in this respect. He also queried whether the Council could have served a Breach of Condition Notice to halt the works sooner and recommended that the County Council review its procedures for dealing with breaches of planning control when the Council is the applicant and planning authority to prevent similar problems occurring again. Nominal compensation to local residents is to be met by Children, Families and Education.
20. A complaint into the Council's consideration of sports facilities at Whitstable Community College was recently lodged with the Ombudsman. A decision is awaited.

**Minerals and Waste Development Frameworks**

21. The plan making process is the subject of a third national performance indicator, BVPI 200. It requires the County Council to meet the milestones in the Local Development Scheme (LDS) which has been agreed by the Government Office for the South East (GoSE).
22. Due to staffing changes this year within the Planning Applications Group and difficulties in backfilling the loss of development control experience, the Group has been unable to lead on the Development Frameworks and satisfactorily resource the development control service. A decision was therefore made, post the drafting of this year's Business Plan, that the Group would assist (not lead) in the plan making functions.
23. A consultation on spatial options for the Waste Development Framework was conducted in the autumn of 2006. This focussed on possible locations for large scale recovery plant in East Kent (energy from waste) and broad areas of search for landfill in west and east Kent. Since then the Waste Management Unit has begun an assessment of procurement options, the National Waste Strategy has been published, and the Regional Assembly has published estimates waste capacity and forecast future waste arisings for each Waste Planning Authority in the South East.
24. The forecasts used in the 2006 consultation on the KCC Waste Development Framework were published in 2004. In the light of recent slower growth in municipal waste, and this changing context, it has been decided to update the evidence for the



## **Planning Applications Group Business Plan 2007/08 – Half Year Progress Report**

Waste Development Framework before proceeding to KCC's "Preferred Options". Consultants are currently working on this, and it is hoped to include waste water and hazardous waste, previously omitted from the evidence and options.

25. Experience of the new planning system under which Development Frameworks are to replace Local Plans has prompted the Government Office for the South East to advise KCC to reduce the number of documents originally intended for submission. Changes to the timetable are required, and these have yet to be formally agreed by GOSE. However the aim is to publish Preferred Options for consultation in summer 2008, subject to Cabinet agreement.
26. Minerals Development Plan Documents (Core Strategy, Development Control Policies and Construction Aggregates sites) were submitted to Government in late 2006 in accordance with the Council's approved 2006 Minerals and Waste Development Scheme. These were subject to subsequent public consultation.
27. Practice and guidance on the approach to Development Framework preparation continues to evolve, particularly with regard to expectations of the role and content of Core Strategies. An exploratory meeting held with the Inspectorate, ahead of the expected public Examination of the Mineral DPDs, has underlined this and the Council needs to take stock of how it should now proceed in the interests of securing a set of minerals planning documents that will individually and collectively meet the tests of 'soundness' as they are currently being applied. This may require a review of the number, sequence and scope of documents that are taken forward.

### **Influencing Emerging Policy and Guidance**

28. The Group continues to play a role in influencing emerging policy and guidance. In particular, the Group is working at the regional level with SEERA (South East England Regional Assembly) and SERTAB (South East Region Technical Advisory Body (waste issues) in relation to apportionment guidelines for recycled aggregate and London's waste. Officers from the Group also represent the County Council at various Development Control Working Groups. The Group has prepared a number of responses to Government consultations on emerging guidance, including the development control aspects of the Planning White Paper.

### **Member Training**

29. In November 2006, the Committee agreed the need for a more formalised programme of Member training for Committee Members and regular substitutes. Since April 2007, the Committee has received training on the Planning White Paper and a follow on session on Design and Planning. It has also agreed a future programme which includes a tour of permitted sites, mineral and waste issues, updates on the Waste and Mineral Development Frameworks and heritage and biodiversity issues. From 2008, 6 x ½ day slots are to be secured in the Council calendar for training purposes.

### **Freedom of Information Requests**

30. The Group has responded to 5 requests for information under the Freedom of Information Act 2000.

## Planning Applications Group Business Plan 2007/08 – Half Year Progress Report

### Staffing Issues

31. Despite a recruitment campaign, the Group has been unsuccessful in backfilling the 2 principal planning officer vacancies which became available in December 2006. This resulted in a significant loss of development control and case supervisory experience. The issue is compounded by earlier recruitment practices, whereby as a result of previous difficulties in attracting experienced development control staff, the Group appointed candidates with good potential at planning officer grade and is developing the experience 'in-house'. In the longer term this strategy will pay dividends, however in the short term this leaves a serious skills gap. This is being addressed with training and close case supervision, but is having adverse implications on the development control service, potentially resulting in lengthier decision making, particularly for the more complex county matter proposals and major community development.
32. I intend to re-advertise the posts later this year. The difficulty in recruiting experienced planning staff is not unique to the Group. Kent Districts and other parts of the Directorate are experiencing similar recruitment problems. Evidence suggests that there is a shortage of planners across the region.

### Review of Development Control Practices

33. Members may recall that the computerised planning application currently used by the Group is no longer supported by its current provider, Northgate. As a consequence, the Group needs to procure a new IT system. As part of this process, the Group needs to ensure that any new system fully addresses the needs of a county planning authority and meets Government and Council aspirations towards greater e-access. Considerable progress has been made towards procurement documents, including demonstrations of 3 possible systems and compilation of a business requirements specification. The next key stage is for Procurement to seek tenders. The timing of this will be influenced by capacity in the Council's Procurement Team. Discussions are also underway to temporarily improve web information as an interim measure, pending the new system. An additional resource to maintain web data has recently been appointed.

### Conclusion and Recommendation

34. For the first half of the Business Plan period, the Group has performed well against the key performance indicators, meeting and, in some cases, exceeding the targets set for the speed of planning decisions.
35. I RECOMMEND that MEMBERS
- (i) NOTE the half year progress against the current Business Plan.

Case Officer: S Thompson

01622 696052

Background Documents: see heading

SECTION C  
MINERALS AND WASTE DISPOSAL

Background Documents - the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

### Item C1

**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

A report by Head of Planning Applications Unit to Planning Applications Committee on 6 November 2007.

Applications by Borough Green Sand Pits Limited:

- (i) for northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials (TM/07/512);
- (ii) to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue in final location only on the site plan beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in current planning application TM/07/512 for a northern extension to the sand quarry (TM/07/3101); and
- (iii) to vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling, to provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100 and to amend the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 (TM/07/3100)

all at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent

Recommendation: Subject to the prior completion of a legal agreement to secure the Heads of Terms given in Appendix 7, conditional planning permission be granted for (i), (ii) [*partially*] and (iii) and approval being given for the details pursuant to condition 21 of planning permission TM/98/1843/MR100.

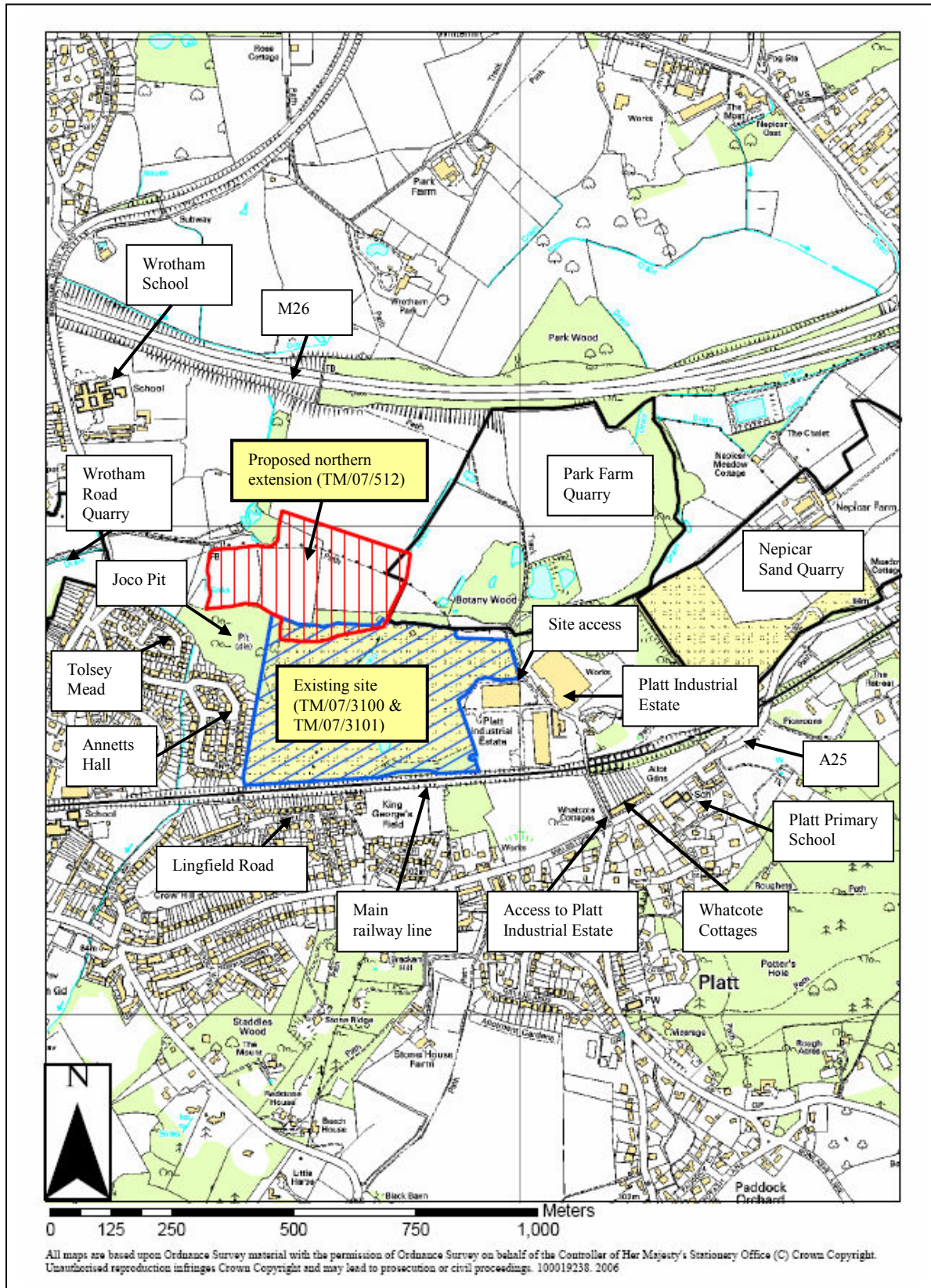
Local Members: Mrs V Dagger

Unrestricted

#### Site description and background

1. Borough Green Sand Pit lies to the north of the mainline railway, west of Platt Industrial Estate, east of the Annetts Hall housing estate and to the south of woodland and open fields about 1 mile to the east of Borough Green town centre. The quarry is accessed from the A25 via Platt Industrial Estate. The nearest residential properties to the existing site are at Annetts Hall (which adjoins the western boundary) and Lingfield Road (immediately to the south of the railway line).

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**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

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2. The proposed northern extension application site lies immediately to the north of the western section of the current quarry and to the north east of the disused Joco Pit. The nearest residential properties to this area are at Annetts Hall and Tolsey Mead respectively about 150m and 80m to the south / south west of the proposed northern extension. Wrotham School lies approximately 300m to the north west. To the north east of the existing quarry and east of the proposed northern extension area lies Park Farm Quarry (operated by Cemex) which is also accessed from the A25 via Platt Industrial Estate. There are also a number of other quarries in the area. These include Nepicar Sand Quarry (operated by Clubbs) to the east, Wrotham Road Quarry and Landfill Site (operated by Cemex) to the west and Ightham Sand Pit (operated by H+H Celcon) and Crickett's Farm (operated by Trodell Plant Ltd) further west.
3. The proposed northern extension application site consists of three fields used for grazing, an area of old and new semi-natural woodland (much of which is subject to a group Tree Preservation Order (TPO)) and a small part of the existing sand pit. The three fields are separated by hedgerows running north to south which include occasional mature trees. The agricultural land classification is grade 3b. The site largely lies at between 95 and 92.5m AOD (sloping down to the south east), although levels fall to about 88.5m AOD to the west. A public footpath (MR251) runs east to west just within northern part of the application site. The North Downs AONB lies just to the north west. Further woodland blocks, which are also subject to TPOs, lie to south west and north west. Both the existing quarry and proposed northern extension are in the Green Belt.
4. The majority of the northern extension application site is identified in the Kent Minerals Development Framework Construction Aggregates Development Plan Document: Submission Document (November 2006) as a preferred area for the future working of building sand (Inset Map S: Land North and East of Joco Pit).
5. Mineral extraction is understood to have commenced at Borough Green Sand Pit in 1952 and a number of planning permissions have since been granted for sand extraction, restoration by infilling with inert waste and soil blending. The main mineral planning permission is TM/98/1843/MR100 dated 15 March 2000. This updated the earlier mineral permissions in accordance with the Environment Act 1995 (i.e. the Minerals Review / ROMP process). The permission was amended on 7 June 2005 by TM/05/1173 to allow extra time for completion of sand extraction. Sand extraction must be completed by 31 December 2008 and restoration (involving inert waste landfill) by 31 December 2015. The site is to be restored to a private nature conservation area in accordance with a Landscape Strategy dated July 1999 and a Landscape Management Plan dated 21 November 2002. Planning permission TM/05/1672 was granted on 16 August 2005 for a temporary soil blending operation which must cease by 31 December 2008. The maximum depth of working is 70m AOD. The mineral permission restricts the maximum number of lorry movements at the site to 60 per day (30 in/30 out). A further 4 movements (2 in/2 out) are permitted for the soil blending. Hours of working are 0700 to 1800 hours Monday to Friday and 0700 to 1300 on Saturdays. None of the above planning permissions contain specific

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noise limits, although "stand-off's" at certain site boundaries are imposed to minimise impacts on adjoining residential areas. The eastern part of the existing quarry is largely worked out and is nearly backfilled to approved levels, although soiling has yet to be completed. The western part of the quarry contains the mobile dry screening sand processing plant and soil blending operation and the southern part is currently being backfilled with inert waste.

6. New conditions and a scheme of working and restoration for Park Farm Quarry were permitted under the ROMP process on 3 March 2003 (TM/02/2663/MR97) to update the earlier mineral permission granted in 1953 (MK/4/53/106A) which was itself affected by the construction of the M26. The extraction of clay in the central part of the permitted area at Park Farm is due to cease by 31 December 2007. Extraction of clay or sand in the western part of Park Farm (i.e. from the area between this and the proposed northern extension to Borough Green Sand Pit) must cease by 21 February 2040 and the entire site be restored by 21 February 2042. The northern, eastern and southern parts of Park Farm (i.e. previously worked and restored areas and retained woodland) are to be retained as existing. It is unclear at this stage whether extraction will take place in the western part of Park Farm and various pre-development requirements would need to be met and approvals given if this is to occur (e.g. new schemes of working, restoration and aftercare). If such extraction does not take place, the planning permission provides for interim restoration of agriculture and woodland (including the retention of Botany Wood). The maximum number of HGV movements for Park Farm Quarry is 320 (160 in/160 out) per week. The permitted hours of working are the same as for Borough Green Sand Pit. Planning permission was granted for a westerly extension to Park Farm for clay extraction in 1999 (TM/95/1708) with access via Nepicar Farm. The application had initially proposed extraction of sand from beneath the clay but was amended to exclude this element. The permission, which included the eastern field included in the current northern extension application as well as land further north, was not implemented and has since lapsed.
7. A number of complaints have been received during 2007 about operations at the site. These have related to the HGV movement restriction being breached (Platt Parish Council); noise, dust, windblown sand and hours of working (from residents of Lingfield Road); and mud and debris on the highway in Platt and the A25 (Platt Parish Council). These matters were reported to the County Council's Regulation Committee on 18 September 2007 and are referred to as appropriate later in this report.
8. A Planning Applications Committee Members' site visit was held on 21 September 2007. This was also attended by the applicant, representatives of Tonbridge and Malling Borough Council and Platt and Borough Green Parish Councils. Notes of the site visit are attached at Appendix 1 (pages C1.36 – C1.41). The site visit enabled Members to view the proposed northern extension and the existing operational area.

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**The Proposals**

*Application TM/07/512 (northern extension)*

9. The application proposes the extraction of approximately 736,000 tonnes of building, construction and industrial (silica) sand in 3 phases from an extraction area of about 4.42 hectares (ha) and the restoration of the area with imported inert waste. Only about 50,010 tonnes of this would be silica sand. The site would be worked as an extension to the existing Borough Green Sand Pit, although the depth of extraction would be 68m AOD as opposed to the current 70m AOD. The total application area (about 6.1ha) would also accommodate temporary topsoil storage and mitigation measures. The sand would be processed through the existing mobile dry screening plant in the existing quarry until the final stages of development when this could be relocated into the proposed phase 3 area (subject to progress with landfilling in the existing site). Access to the extension area would be through the existing quarry using the same access arrangements. It is proposed that extraction and restoration would be completed by 31 December 2018 (i.e. 3 years longer than the current operation). The proposed locations of the sand processing plant and topsoil storage areas are shown on the drawing at Appendix 4 (page C1.45). The three new phases for the proposed northern extension area all lie within phase R3 of the proposed phasing arrangement for the existing site and proposed northern extension area shown on the drawing at Appendix 3 (page C1.44).
10. The application proposes that topsoils would be stripped and stored separately using 360° back excavator and dumptruck for use in restoration of the proposed extension area, but that clay subsoils would be replaced with superior imported subsoils. The indigenous subsoils would either be directly placed or stored in the base of the proposed excavation or used to aid restoration in the existing quarry (as overburden). The application includes a proposed phasing arrangement for soil and overburden movements, extraction and restoration which is designed to minimise double-handling where possible. Topsoil would be stored in a large bund in the eastern part of the most westerly field until required for final restoration. This would also serve as a screen bund providing visual and noise attenuation.
11. Sand would be extracted with 360° back excavator or wheeled front loading shovel and the loading shovel used to feed the mobile screening plant or road going vehicles. The proposed phasing arrangement within the northern extension area would see extraction take place in phases 1 and 2 in a northerly direction and phase 3 in an easterly direction. Production is expected to continue at about 100,000 tonnes per year (tpa). The applicant wishes to commence preparatory operations in the proposed extension area in late 2007 / early 2008, as the permitted reserves expected to be exhausted in 2008. The applicant estimates that sand reserves in the proposed extension area would be exhausted by the end of 2014 or beginning of 2015 and the both existing and proposed areas would be fully restored by the end of 2018. Since not all of the existing site could be restored until the proposed northern extension is completed (as the working of that area relies on access through and use of associated facilities in the existing site), the application is reliant on changes to the existing

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planning permission which are addressed in planning application TM/07/3100. The proposed phasing arrangement for the existing site and proposed northern extension are shown on the drawing at Appendix 3 (page C1.44).

12. The application proposes that inert waste (e.g. soils, concrete, rubble, clay, glass and similar materials) be used to restore the site to levels designed to reflect those existing whilst ensuring a progressive and acceptable interface between and with restoration of the existing site. At least 4m of indigenous gault clay will be placed into the quarry base (i.e. to 72m AOD) prior to imported wastes being landfilled. The precise details of the landfill and associated engineering would be addressed in a Pollution Prevention and Control (PPC) permit. The applicant estimates that landfilling would commence in phase 1 of the proposed northern extension when sand extraction is nearly completed in phase 2. The proposed landscape restoration plan for the existing site and proposed northern extension are shown on the drawing at Appendix 6 (page C1.47).
13. The application proposes the removal of both the area of woodland subject to a group TPO that separates the existing and proposed extraction areas and the main central north-south hedgerow within the site, as well as the diversion of public footpath MR251 further north. Advance "woodland shaw" tree planting is proposed to the west and north of the topsoil storage bund and north of the proposed extraction area (separating this from the new route of the diverted footpath). Advance hedgerow planting is also proposed to the north of the diverted footpath and to the south of that part of the footpath that would be retained on its current route in the western part of the application site. The topsoil store would be seeded with a legume mix and cut / managed as necessary to ensure a tidy appearance and control noxious weeds. Further woodland planting would be undertaken as part of the final restoration on the area used during operations for the topsoil store and between the existing and proposed extraction areas. The remainder of the final restoration would be to permanent pasture. The proposed initial landscaping works, trees to be retained and removed and the footpath diversion are shown on the drawing at Appendix 5 (page C1.46).
14. The application proposes that hours of working would remain as currently (i.e. 0700 to 1800 hours Monday to Friday and 0700 to 1300 on Saturdays and that the existing traffic limit would remain (i.e. 60 movements per day – 30 in/30 out). The application also proposes to continue existing noise and dust mitigation measures.
15. In support of the proposals, the applicant states that the site is identified as a preferred area for future mineral extraction in the emerging Kent MDF Construction Aggregates, that there is a need for further sand to meet the required 7 year landbank, that the extraction of silica sand would accord with National and Local minerals policy, that there is a continued need for inert waste landfill and that employment at the site would increase from 7 to 9, rather than reduce to 4 once current sand reserves are exhausted. The application is supported by a series of assessments in respect of landscape and visual impact, soils, ecology, hydrogeology, noise and dust and archaeology.



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16. Additional assessments and further information have also been submitted in respect of hydrogeology (groundwater protection), noise, dust / air quality, ecology (great crested newts, dormice and bats), archaeology, historic landscape, slope stability and trees. The most recent noise report also recommends that the existing noise bund between the existing site and Annetts Hall be extended to close the gap between this and another peripheral bund further north to ensure that appropriate noise levels can be met and improve the current situation and for a further "L" shaped barrier to be erected during the latter stages of infilling of phase R4 to assist in mitigating noise impact from these operations. A proposed Code of Safe Operating Practice has also been submitted in order to seek to overcome any concerns about potential groundwater pollution and adverse impacts on Mid Kent Water's pumping station nearby. The Code includes measures designed to ensure no adverse impacts from the operation of sand extraction and screening plant, site plant and operatives, contractors mobile plant and haul road lorry traffic, as well as detailed requirements in respect of groundwater monitoring, liaison with the Environment Agency and Mid Kent Water and landfilling operations.

Application TM/07/3101 (duration of soil blending)

17. This application proposes to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in the application for a northern extension to the sand quarry (TM/07/512). The application also states that the location for soil blending will be in the most northerly of two locations referred to for such activities on the permitted site plan. The applicant states that the application is necessary to allow soil blending operations to continue and assist in providing the necessary soils to complete restoration at the existing quarry in the event that planning permission is granted for the proposed northern extension. The proposed location of the soil blending area is shown on the drawing at Appendix 4 (page C1.45).

Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

18. This application proposes to: (a) vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling (until 31 December 2018); (b) provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100; and (c) amend the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100. The application is necessary for the reasons set out in paragraph 11 above and parts (a) and (b) would only be required if planning permission is granted for the proposed northern extension (TM/07/512). Part (c) is required to regularise the planning status of site buildings and associated facilities at the quarry and should be addressed regardless of the outcome of the application itself. The proposed phasing arrangement for the existing site and proposed northern extension are shown on the drawing at Appendix 3 (page C1.44).

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**Planning Policy Context**

19. The most relevant planning policies are set out in Appendix 2 (pages C1.42 – C1.43).

**Consultations**

20. **Tonbridge and Malling Borough Council** – No objection, subject to the following conditions:-

1. If the County Council is minded to grant planning permission on the basis that noise of a short duration (up to 8 weeks) can have a maximum of 70dB(A) LAeq, 1h, and no objections have been received from Natural England, Mid Kent Water, Environment Agency, Kent Highways and Kent Highways PROW, SEERA and the County Archaeologist, appropriately worded conditions regarding the following should be secured:
  - Imposition of a 55dB(A) noise level limit, with a maximum noise level limit of 70dB(A) LAeq, 1h for a maximum of 8 weeks;
  - Appropriate mitigation measures to prevent hydro-geological risks;
  - As part of the soil assessment, the submission of a chemical analysis to establish the baseline condition of the site;
  - Appropriate restoration/aftercare conditions to cover remedial treatment of soil so as to facilitate the use for agriculture, amenity and woodland;
  - The carrying over of Conditions 11-14 of previous permission TM/98/1843/MR100 (traffic generation and access) and effective monitoring of these conditions;
  - The carrying over of Condition 24 of previous permission TM/98/1843/MR100 (dust mitigation); and
  - Incorporation of features of the existing landscape, as identified in the historical landscape survey provided, into the restoration scheme for the site.

No objection to applications TM/07/3101 and TM/07/3100 subject to the imposition of conditions to secure the above noise limits and the retention of all other conditions attached to the earlier permissions.

21. **Borough Green Parish Council** – No objection to application TM/07/512 subject to:-

- The number of lorry movements in/out of the site not exceeding the permitted limits; and
- All vehicles in/out of the site being adequately covered and sheeted (and wheel-washing and road-cleaning operations must be in place for the duration of works).

In responding to applications TM/07/3101 and TM/07/3100, it has stated that current conditions should be maintained for any extended periods (particularly the controls on traffic movements set out in condition 11 of planning permission TM/98/1843/MR100) and no changes should be made until application TM/07/512 has been formally

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approved and implemented.

22. **Platt Parish Council** – Objects to application TM/07/512 due to the loss of woodland between the existing and proposed sites. It has suggested that the proposed northern area be reduced to facilitate this and stated that the complete or partial loss of old mixed hedgerows must be at least fully compensated for by planting as part of the restoration proposals. Notwithstanding this, it has stated that: the proposed Code of Safe Operating Practice appears sensible; the noise report indicates acceptable noise levels; and there are unlikely to be great crested newts or dormice habitats in the proposal area. During the consultation process, it also raised the following issues:-

- The proposed footpath diversion route is unclear;
- KCC should carefully consider any hydrogeological issues;
- There should be no extension to the current permitted hours and, since there has been some suggestion that these are being breached, they should be policed and enforced;
- The current restriction of 60 movements (30 in/30 out) appears to have been breached and is adversely affecting local housing and the primary school between the Platt Industrial Estate access and Wrotham Heath. Suggested that weighbridge details be examined and that any new permission should have clear new conditions restricting such movements so they can be policed and enforced.
- All lorries should be properly sheeted and wheels and chassis effectively cleaned prior to leaving the site to avoid mud, dust and debris being deposited on the A25 as there have been problems with these issues in recent months.

In responding to applications TM/07/3101 and TM/07/3100, it has expressed concerns that this would lead to additional HGV movements and problems at the junction of Platt Industrial Estate and A25 and on the A25 during any extra time period. It has reiterated the above issues and commented that HGVs experience particular problems if vehicles are leaving and entering Platt Industrial Estate at the same time as vehicles turning left (eastbound) onto the A25 (i.e. the most common movement) have to pull out across the opposite carriageway to travel in that direction. It has expressed concerns about the ongoing use of the Platt Industrial Estate to access the site, referred to the fact that proposals to extend the Park Farm clay pit about 10 years ago were only accepted on the basis that an alternative access via Nepicar Sand Quarry was to be used (but did not happen) and suggested that this should be the case again. If not, it has suggested that consideration be given to imposing restrictions on vehicle movements during the busiest times on the A25 with particular regard to school arrival and leaving times.

23. **Wrotham Parish Council** – No comments received.

24. **SEERA** – In responding to application TM/07/512 it has stated that the County Council should not grant planning permission unless the Environment Agency is satisfied that the development will not have any adverse effects on ground water quality, in line with the objectives of Policy INF2 of RPG9 and NRM1 of the draft South East Plan. If the

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County Council is minded to grant planning permission, it should secure the following through appropriately worded conditions and/or legal agreements:-

- Appropriate mitigation measures and restoration plans in relation to protecting and enhancing landscape quality in line with the objectives of Policies E1 of RPG9 and Policies W14 and C2 of the draft South East Plan; and
- Appropriate mitigation measures to protect and enhance the site's biodiversity assets in line with the objectives of Policies E2 of RPG9 and Policy NRM1 of the draft South East Plan.

25. **Environment Agency** – No objections to any of the applications subject to the proposed Code of Safe Operating Practice (including depth of working and other specified controls) being appropriately incorporated into any planning permission for a northern extension. Has advised that if planning permission is granted for the northern extension, the operator would need to amend the existing PPC Permit.

26. **Natural England** – *Nature conservation interests* – No objection to application TM/07/512 subject to a condition (bats) and informatives (great crested newts and dormice).

- **Bats:** Notes that a common pipistrelle bat roost has been observed within an oak tree that would be lost but that the indicative mitigation in the bat survey appears appropriate to mitigate the impacts of the proposed development on local bat populations (subject to condition requiring a detailed mitigation strategy to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of works which may affect bats or their roosts). Has also requested that the applicant be advised that a licence may be required for any works which directly affect bats or their roosting sites.
- **Great Crested Newts:** Notes that whilst great crested newts were recorded to the north of the M26 there was no evidence of any being found in the ponds at the site during 2007. Requests that an informative be appended to any consent advising the applicant that if evidence of any great crested newts is found on site, all works must cease and further advice be sought from either a suitably experienced ecologist or Natural England before recommencement. Has also advised that a licence may be required before works are able to recommence.
- **Dormice:** Is satisfied that it is unlikely that the site supports a population of dormice based on the habitat feasibility report and lack of significant habitat links to adjoining areas which may hold populations of dormice in sufficient numbers to make colonisation of the site likely and since they would be unlikely to breed on site due to a lack of food resources at the critical times of the year. Has requested that a similar informative to that above for great crested newts be appended for dormice.

*Agricultural issues* – No objection to application TM/07/512 subject to the imposition of conditions to ensure best practice for restoration and aftercare.

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27. **Kent Wildlife Trust** – No objection subject to the County Council being satisfied that the use of the site for inert waste is consistent with the County Waste Strategy and subject to conditions / obligations / agreements to secure implementation of a fully funded programme of aftercare for the new native-species woodland and all the semi-natural habitat features that are to be retained at the site. Thanked the County Council for giving consideration to its preference for restoration to lowland dry acid grassland and acknowledged that this would be incompatible with a restoration to original ground levels involving inert waste landfill and a gault clay cap. No comments received on applications TM/07/3101 and TM/07/3100.
28. **CPRE** – No comments received.
29. **Mid Kent Water** – No objection to application TM/07/512 subject to the conditions laid out in the Code of Safe Operating Practice, the Site Monitoring Plan and the agreed depth of working being adhered to. No comments on applications TM/07/3101 and TM/07/3100.
30. **Divisional Transportation Manager (West Kent)** – No objection to the applications subject to:-
- The maximum number of HGV movements associated with sand extraction and restoration by backfilling with inert waste being limited to 60 per day (30 in and 30 out) and to a total of 64 per day (32 in and 32 out) if the soil blending is included;
  - The applicant being required to submit monthly monitoring reports on vehicle movements for the first 6 months following implementation of the northern extension and thereafter implementing proposals that would enable the planning authority to directly and remotely monitor vehicle movements over the site weighbridge (such proposals having first be approved in writing by the Planning Authority); and
  - The applicant being required to submit proposals to improve the kerb radius for left turning vehicles from the industrial site access road onto the A25 and also to improve the safety of pedestrians crossing the access road within 6 months of any permission being granted (and for these works to be carried out at the applicant's expense).
31. **KCC Landscape Consultant (Jacobs)** – Has advised that application TM/07/512 is acceptable in terms of phasing and the restoration works proposed. At the local level, visual and landscape impacts from the removal of vegetation and some mature trees as a result of the works are slight adverse lessening to insignificant on the completion of restoration works. From the AONB scarp slope there would be moderate adverse visual impacts. It is satisfied that the tree survey and report identifies root protection zones and appropriate protection methods. Concludes that the proposals satisfactorily mitigate the impact of the proposed quarry extension within the constraints of the site and proposed usage. It is supportive of restoration contours being similar to original levels for landscape character and local landscape topography reasons.

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32. **KCC Noise, Dust, and Odour Consultant (Jacobs)** – Has advised that all three applications need to be considered together since they are interrelated. Is satisfied that the operator could meet MPS2 requirements with the proposed mitigation measures (e.g. extension of existing peripheral bund on western boundary near Annetts Hall and erection of “L” shaped barrier during the latter stages of infilling of phase R4). Recommends that noise from all activities at the existing and proposed sites be restricted by condition(s) to 55 dB  $L_{Aeq,1hr}$  for normal day to day operations and 70 dB  $L_{Aeq,1hr}$  for temporary operations for up to 8 weeks in a year in accordance with MPS2.

Has recommended that the dust mitigation measures outlined in the applicant's Air Quality Report be applied to all activities at the site (existing and proposed areas).

33. **KCC Archaeology** – Has advised that the northern extension area is not likely to contain significant archaeology, that the reports submitted in respect of archaeology and historic landscape are acceptable and that any further necessary archaeological and historic landscape recording work could be satisfactory secured by condition(s).

34. **KCC Biodiversity** – No objection subject to condition(s) and informative(s).

Dormice: The submission and approval of a method statement prior to the removal of any habitat that could potentially support dormice detailing how this habitat (e.g. hedgerows and woodland) would be removed using a precautionary approach. Work on site should then accord with this in case dormice are present. This should be reinforced by the informative on dormice requested by Natural England.

Bats: The submission and approval of a detailed mitigation strategy prior to the commencement of works which may affect bats or their roosts (i.e. removal of trees). The strategy should include a detailed plan of action for removing the trees and the mitigation measures necessary to avoid harm to the bats using the tree, including timing, necessary supervision and methods. It should also include compensatory bat roosts and replacement hedge planting (as detailed in the application). This should be reinforced by the informative on bats requested by Natural England.

Has also recommended that conditions be imposed to require appropriate mitigation in respect of nesting birds and that development should cease if other protected species are found during the development work to enable suitable advice on how best to proceed to be obtained. Has stated that no further information or work is required in respect of Great Crested Newts.

35. **KCC Rights of Way** – No objection subject to appropriate consideration of proposed footpath diversion and any recommendation for planning permission requiring the applicant to pay all KCC's reasonable costs associated with the proposed diversion and associated installation of necessary infrastructure.

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**Representations**

36. The applications have all been publicised by site notice and newspaper advertisement and all local residents / business properties within 250m of the application sites were notified.

Application TM/07/512 (northern extension)

37. At the time of writing this report, 13 representations have been received. Of these, 12 object and 1 raises no objection subject to conditions. The representations relate to the following issues:-

Objections:

- Loss of 3 fields used for public access and public footpath;
- Loss of mature trees;
- Adverse traffic impacts on local residents, school children and property (e.g. noise, dust, vibration, highway safety, traffic speed, spillages, congestion, etc) from HGVs (particularly those carrying waste to the site) for more years;
- Proximity to local school;
- HGV numbers – restrictions are regularly exceeded;
- Adverse impact on the quality of life for local residents, including those near Platt Industrial Estate access road;
- A25 / Platt Industrial Estate access road junction is inadequate for HGVs if vehicles are entering and leaving at the same time (resulting in queuing or vehicles travelling through Borough Green instead);
- Access should be from Wrotham Road instead;
- Concerns about nature of waste materials and methane gas on local properties;
- Noise impact on local residents (e.g. Annetts Hall, Tolsey Mead);
- Dust impact on local residents;
- Visual impact for local residents, including lighting impact – particularly as properties in Tolsey Mead are at or below the level of the proposed development;
- Impacts on wildlife (e.g. badgers, rabbits and foxes);
- The wildlife study underplays the importance of bird species in the area;
- Impact on water levels and drainage on local housing;
- Adverse cumulative impact of quarrying in the area;
- There are enough quarries in the area already; and
- Proposal is contrary to the local plan and in the Green Belt.

No objections subject to:

- Access being via Platt Industrial Estate (and not from Wrotham Road); and
- Tree planting across field to screen workings from Tolsey Mead.

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Applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

38. At the time of writing this report, 4 objections have been received to each of the above applications. The representations relate to the following issues:-
- The operator should have managed to complete operations within the permitted timescale (and may fail to do so again if allowed extra time);
  - The existing site should be restored as soon as possible if the proposed northern extension is permitted; and
  - *The same reasons set out above relating to HGV movements and associated impacts.*

**Local Member**

39. County Council Member Mrs V Dagger was notified in February and August 2007.

**Discussion**

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In the context of these applications, the policies outlined in Appendix 2 (pages C1.42 – C1.43) are of greatest relevance.
41. The main issues to be considered in respect of application TM/07/512 (northern extension) relate to:-
- The quantity and quality of the mineral resource;
  - The need or otherwise for the mineral;
  - The need or otherwise for inert waste disposal (generally and to assist in restoration);
  - Water environment (hydrogeology / groundwater impacts);
  - Local amenity impacts (e.g. noise and dust / air quality);
  - Landscape and visual amenity;
  - Trees and woodland (including TPOs);
  - Archaeology and historic landscape;
  - Ecology;
  - Highways and transport;
  - Public rights of way;
  - Green Belt.
42. The main issues to be considered in respect of applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) relate to:-



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- The need or otherwise for soil blending to assist in restoration at the site or for other purposes;
- The appropriateness of the additional time periods sought (including the relationship with other operations at the site – existing or proposed);
- Local amenity impacts (e.g. noise and dust / air quality);
- Landscape and visual amenity;
- Highways and transport; and
- Green Belt.

43. Each of the above issues will be considered in turn in so far as they relate to all three applications.

The quantity and quality of the mineral resource

44. Policy CA7 of the KMLP CA and Policy MDC1 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006 state that the County Council will require evidence of the extent and quality of mineral reserves for proposed workings.
45. Although the application for a northern extension seeks to extract about 50,010 tonnes (t) of silica sand, the main minerals element against which the proposal should be assessed is that for the extraction of about 685,990t of building and construction sand. The applicant has provided some evidence of the quantity and quality of the mineral resource and also relies on information included as part of the evidence base for the emerging Kent Minerals Development Framework (KMDF) Construction Aggregates (CA) Development Plan Document (DPD) Submission Document November 2006. Whilst the proposed extraction area is not identical to that identified as a preferred area in the KMDF CA DPD Submission Document November 2006, and the estimate of available mineral is therefore different, the information available is considered to be sufficient to demonstrate a workable building sand deposit and compliance with Policy CA7 of the Kent Minerals Local Plan (KMLP) Construction Aggregates (CA). The silica sand element represents a further, albeit more limited, resource that was not included in the KMDF CA DPD Submission Document November 2006. It is proposed that silica sand will be addressed in the KMDF Other Minerals DPD in due course.
46. The information submitted with the application for a northern extension shows that between 2 and 14m of gault clay would need to be extracted to access between 15 and 24m of sand (dependent upon location on site). I am satisfied that the sand would meet a general cross section of standards for fine aggregates and could be used for various purposes requiring these sand types. The applicant states that the very fine grained (silica) sands would be produced as specialist sands for a range of end-uses such as equestrian.
47. On the basis of the above, I am satisfied that the application for a northern extension is consistent with the above minerals policies. Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) does not need to be considered in

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this context since it relates to previously consented mineral reserves.

The need or otherwise for the mineral

48. The main national planning policies relating to the quantity and quality of and need for building and construction sand are set out in MPS1 and the Regional Guidelines for Aggregates Provision in England 2001-2016. MPG15 is relevant insofar as it relates to silica sand. These national policies are reflected at the regional level in Policies M3 and M4 of RPG9 and the draft South East (SE) Plan and at the local level in Policies MN5 and MN7 of the Kent & Medway Structure Plan (KMSP) and Policies CA6 and CA7 of the KMLP CA. Policy M3 of RPG and the draft SE Plan requires that Kent and Medway plan to maintain a combined landbank of at least 7 years of planning permissions for land-won sand and gravel which is sufficient, throughout the mineral plan period, to deliver 13.25 million tonnes per annum (mtpa) of sand and gravel across the region based on a sub-regional apportionment of 2.53mtpa. This requirement is reflected in Policy MN5 of the KMSP. Policy CA6 of the KMLP CA states that in areas of search identified on the Proposals Map, proposals to extract minerals will be acceptable provided that there is a sufficient case of need to override material planning interests and if other policy considerations are met. Proposals Map Inset H of the KMLP CA identifies the area to the north of Borough Green Sand Pit as an area of search for building sand.
49. Policy CMS1 of the KMDF Core Minerals Strategy (CMS) DPD Submission Document November 2006 supports proposals that secure or maintain the overall levels of supply required by the Regional Minerals Strategy. Policy CA2 of the KMDF CA DPD Submission Document November 2006 states that land provision will be made in Kent sufficient to secure and maintain production of 2.37mtpa of sand and gravel and a landbank of permitted reserves sufficient for at least 7 years production. This reflects a subtraction of 160,000 tonnes per annum (tpa) from the 2.53mtpa for Medway's contribution. Paragraph 3.3.3 also states that when assessing planning applications for land won aggregates resources, regard will be had to a separate apportionment for different types of aggregates which are set out in paragraph 3.3.2 and are designed to allow separate plan proposals to be made in Kent. Paragraph 3.3.2 indicates a further apportionment for "building sand" of 1.14mtpa. This would make up the required 2.37mtpa when combined with further apportionments for "mainly flint derived gravels" (0.95mtpa) and "mainly sandstone derived gravels" (0.28mtpa). Policy CA4 of the KMDF CA DPD Submission Document November 2006 identifies the land north and east of Joco Pit as a preferred area for working building sand (Inset S).
50. Policy M4 of RPG and the draft SE Plan requires that a permitted reserve of silica sand should be maintained throughout the plan period in Surrey and Kent, equivalent at current production rates to at least 10 years at existing sites and at least 15 years at new sites. This is reflected in Policy MN7 of the KMSP and Policy CMS1 of the KMDF CMS DPD Submission Document November 2006. Policy CA12 of the KMLP CA states, amongst other things, that proposals to work silica sand will be considered against the special case of need for the maintenance of such reserves and the need for their extraction being sufficient to override material planning interests.

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51. On the basis of the above, Kent and Medway would need to have permitted reserves of 17.71mt (i.e. 7 x 2.53mt) to meet the requirements of Policy M3 of RPG9 and the draft SE Plan and Policy MN5 of the KMSP in terms of the requirement for a 7 year landbank for sand and gravel. When the Medway contribution of 160,000tpa is deducted, Kent would need to have reserves of 16.59mt (i.e. 7 x 2.37mt) to meet the requirements of Policy CA2 of the KMDF CA DPD Submission Document November 2006. The County Council should also have regard to the desirability of maintaining a 7 year landbank of building sand of 7.98mt (i.e. 7 x 1.14mt) to meet the aims of paragraphs 3.3.2 and 3.3.3 of the KMDF CA DPD Submission Document November 2006. It should be noted these are figures to be maintained and not a ceiling on levels of permitted reserves and that provided proposals do not give rise to unacceptable adverse impacts and are consistent with other development plan policies permission need not be withheld unless other material planning considerations indicate otherwise. Indeed, due to the time required for new or extended sites to commence production it is important that adequate new permissions are granted at the appropriate time.
52. The applicant does not seek to make a case of need for the proposed northern extension on the basis of the overall sand and gravel landbank but states that the landbank for building sand is less than 7 years based on a building sand reserve of 8mt at the end of 2004<sup>1</sup>, a regional apportionment production requirement of 1.19mtpa and the fact that no significant additional reserves have been permitted in the interim. However, the latest published figures for permitted reserves<sup>2</sup> (which appear to reflect an increased assessment of existing reserves) indicate that Kent had a landbank of permitted sand and gravel reserves of 25.769mt at the end of 2005. This comprised 11.493mt of building sand (soft sand) and 14.276mt of sharp sand and gravels. Medway's figures are recorded as confidential. These figures demonstrate that both the combined Kent and Medway requirement and the disaggregated Kent requirement exceeded those required to meet the apportionments set out in the above at the end of 2005. Regardless of which method is used to extrapolate these figures, there would still be more than the required 7 year landbanks for sand and gravel or for building sand at this point based on the figures for the end of 2005. Although the figures for the end of 2006 are not yet published, it is understood that they are likely to reflect a further reassessment of existing reserves (downwards) such that a deficit for building sand may already have arisen based on regional apportionment. Regardless of the precise figures, how landbank is calculated and whether there is actually a need at this precise time for the release of additional reserves, it is fairly clear that at some point in the next year or so the landbank for building sand would fall below 7 years if no new permissions are granted if it has not already done so. In view of the limited size of the silica sand element and the fact that it only represents 7.3% of the proposed sand reserve, I do not propose to consider the need or otherwise for this separately.

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<sup>1</sup> South East Aggregates Monitoring Report 2004 (SEERAWP, July 2006)

<sup>2</sup> South East Aggregates Monitoring Report 2005 – SEERAWP 07/01 (SEERAWP, February 2007)

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53. In summary, I am satisfied that there is no need to release additional sand reserves at this point to meet an overall sand and gravel landbank requirement. However, I accept that there is some doubt as to whether there is currently a need for the sand reserves in the proposed northern extension to meet a building sand landbank requirement at this time and that there will almost certainly be such a need in the next year or so if it has not already done so. On this basis, and since the site is identified as a preferred area in the emerging KMDF CA DPD Submission Document November 2006, I see no reason to refuse the application on the basis of need or otherwise for the mineral provided the proposals give rise to no significant harm. Application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc) does not need to be considered in this context on this occasion since it relates to previously consented (and relatively minor remaining) mineral reserves.

The need or otherwise for inert waste disposal (generally and to assist in restoration)

54. National planning policy for waste management is set out in PPS10 and is, in turn, reflected at the regional level. Policy W13 of RPG9 sets out the required landfill capacity for C&D waste in the region for the period to 2025. Policy W13 of the draft SE Plan sets out the surplus or shortfall of capacity for inert waste by sub-region at 2015. For Kent, the figure is a surplus in capacity of 7.155mt in 2015. RPG9 and the draft South East Plan also contain policies designed to support diversion of waste from landfill and meet recycling and recovery targets. Policy WM4 of the KMSP states that Kent will make provision equivalent to its waste arisings and provide integrated waste management capacity for 15 years ahead whilst Policy WM5 states that priority will be given to using suitable mineral workings rather than other land disposal sites for inert waste where this will facilitate the reinstatement of land to a beneficial after-use and where disposal to land accords with the principles of the Best Practicable Environmental Option (BPEO). The KMSP also contains policies which provide support for recycling and recovery. Policy W12 of the Kent Waste Local Plan (KWLP) states that proposals for landfill will be permitted if they would assist in the restoration of mineral workings which would benefit in planning terms from being returned as near as possible to original ground levels. The KWLP also supports recycling and recovery at appropriate locations.
55. The first issue relating to the need or otherwise for inert waste disposal relates to that of overall inert waste landfill capacity in Kent. As stated above, the draft SE Plan identifies that Kent would have surplus inert waste landfill capacity of 7.155mt in 2015. More recent figures produced by ERM for SEERA in 2007<sup>3</sup> indicate that this figure could be significantly higher as Kent currently has 29.297mt inert waste landfill capacity and would still have 22.199mt inert waste landfill capacity in 2025. Whilst there remains some doubt as to the accuracy of the current figure and those projected, which are also reliant on (amongst other things) recycling targets being met through the SE Plan period, it serves to further demonstrate the extent of permitted inert waste landfill capacity in the County and the fact that there is currently no need for additional inert waste landfill capacity now or for the foreseeable future. This said,

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<sup>3</sup> Regional Waste Management Capacity: Survey, Methodology and Monitoring Final Report (ERM, April 2007)

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there are also a number of factors which could affect the rate at which the permitted inert waste landfill capacity may be used. These include, the rate of re-development in major growth areas such as the Thames Gateway, the demand for capacity to take waste from London or elsewhere (linked to the success of otherwise of waste planning in such areas) and the rate at which such wastes are recycled or re-used in other ways. These are matters that will need to be addressed in detail in the emerging Kent Waste Development Framework (KWDF).

56. The second issue is that of the need or otherwise for inert waste to secure the satisfactory restoration of the proposed northern extension to the mineral site. Although quarries around Borough Green have been, or are to be, restored to both pre-existing, intermediate or low levels, I am of the opinion that restoration to levels close to those currently existing are necessary in this instance in order to ensure satisfactory restoration. This would serve to reflect the fact that the existing quarry is to be restored close to pre-existing levels and since the two sites would be linked as part of a final restoration scheme. Whilst Park Farm Quarry, to the east, would be restored to lower levels if the remaining mineral reserves are to be worked at that site, there is some doubt as to whether this will occur. Given this, and in the absence of any overall restoration masterplan for the area to which all mineral permissions must conform, I do not consider that it would be feasible to restore the proposed northern extension to low level as part of the current proposals. In addition, KCC's landscape consultant is supportive of restoration near to original levels and no respondents have suggested that the site should be restored to a low level although Kent Wildlife Trust has asked that the County Council be satisfied that the use of the site for inert waste disposal is consistent with the County's waste strategy.
57. A third issue is whether sufficient suitable inert waste would be available to restore the site in the timescale proposed. The applicant has confirmed that the time required for restoration is based on permitted vehicle movements only on those days when the site would be open and that the amount of "backhauling" that occurs (whereby vehicles importing waste take out sand) would assist in securing restoration within the time period sought. The applicant has further stated that its success in sourcing suitable inert waste materials for restoration since the site was acquired in 2002 and the considerable recent progress in bringing the site up towards final levels demonstrates that it would have no trouble in completing the works in the time period proposed. Whilst there can be no guarantee that sufficient suitable inert waste materials would be available, these and the fact that the applicant is also able to influence waste imports by changing price, contracts and the ratio between sand exports and waste imports (as explained at the Members' site visit and demonstrated by changes in HGV movements between May and August 2007), I believe that the site can be worked and restored by the proposed dates. Progress could be monitored by a requirement for annual monitoring reports if planning permission is granted.
58. A fourth issue is the impact of the proposed infill on recycling targets. The effect the proposal may have on the achievement of recycling targets is difficult to assess and the need for sites for the disposal of inert waste will remain regardless of these. In view of this and the need for infilling to satisfactorily restore the site in this case, I do

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not propose to consider the issue further.

59. In summary, whilst I do not accept that there is any need at this time for additional inert waste disposal capacity in Kent I do accept that there is a need for infilling with suitable inert waste to secure the satisfactory restoration of the proposed northern extension to the site. On this basis, I consider that the proposed development would accord with the principles of the BPEO, Policy WM5 of the KMSP and Policy W12 of the KWLP such that I am satisfied that it is consistent with the County's waste strategy (as requested by Kent Wildlife Trust). Since the existing site already has the benefit of planning permission for inert waste landfill, and its capacity was included in the figures and targets referred to above, it is not necessary to consider further the need or otherwise for inert waste landfill in terms of inert landfill capacity, to secure satisfactory restoration and potential impact on recycling figures in the context of application TM/07/3100 (duration of sand extraction and restoration by backfilling, etc). However, the above comments on availability of suitable materials are equally relevant to this application.

Water environment (hydrogeology / groundwater impacts)

60. MPS1 seeks to ensure that mineral working and subsequent restoration do not adversely affect the quantity or quality of surface and groundwater supplies nor materially increase the risk of flooding. PPS10 seeks to do likewise for waste management operations. Policies INF2 of RPG9 and NRM1 of the draft SE Plan seek to protect and enhance water resources and quality. Policies MN3, WM2 and NR8 of the KMSP require proposals to be acceptable in terms of impact on the water environment. The requirements of these policies are mirrored in Policy CA6 of the KMLP CA and Policies W19 and W20 of the KWLP. The above minerals policies are being carried forward in Policies MDC1, MDC2, MDC6, MDC7 and MDC8 of the KMDF PDCP DPD Submission Document November 2006.
61. The Environment Agency and Mid Kent Water have no objections to the proposed northern extension subject to the imposition of conditions and/or S106 Agreement to limit the depth of working, ensure that the site is worked and restored in a satisfactory manner and to secure the groundwater monitoring and other measures contained in the proposed Code of Safe Operating Practice. Conditions can be imposed to ensure a maximum depth of working and for the site be worked and restored as proposed. The requirement for groundwater and other monitoring is already a requirement of the PPC Permit for the existing site and would be extended to cover any extension to the site. On this basis, it is not strictly necessary for the matter to be duplicated. However, since a S106 Agreement is necessary to secure other matters, the applicant has indicated a willingness for the proposed Code of Safe Operating Practice to be included in a S106 Agreement. No objections have been received from either the Environment Agency or Mid Kent Water to applications TM/07/3101 (duration of soil blending) and TM/07/3100 (duration of sand extraction and restoration by backfilling, etc).

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62. Subject to the imposition of any necessary conditions and the completion of a S106 Agreement, the development of the proposed northern extension would accord with the above policies. It would also satisfy SEERA. The proposals to extend the duration of soil blending and sand extraction and restoration by backfilling would also accord with the above policies provided existing planning conditions continue to be applied. This can easily be done.

Local amenity impacts (e.g. noise and dust / air quality)

63. Government guidance on both minerals and waste seeks to ensure that potential adverse amenity and health impacts associated with development proposals are minimised. PPS10 makes it clear that modern, appropriately located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health and that the detailed consideration of a waste management process and the implications (if any) for human health is the responsibility of the pollution control authorities. It further states that: the planning and pollution control regimes should complement rather than duplicate each other; waste planning authorities should concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities; and waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. MPS1 and MPS2 both seek to ensure that mineral proposals are acceptable in terms of amenity and related health impacts.
64. Policies E7 of RPG9 and NRM7 of the draft South East Plan encourage local authorities to work with the Environment Agency in playing a positive part in pollution control, and to encourage measures to improve air quality. Policy NRM7 also encourages the use of best practice during construction activities to reduce the levels of dust and other pollutants. Policy W17 of RPG9 states that the suitability of waste management sites should be assessed on the basis of being capable of meeting a range of locally based environmental and amenity criteria. Policy NRM8 of the draft South East Plan encourages new developments to adopt measures to address and reduce noise pollution at regional and local level. Policies MN3, WM2 and NR5 of the KMSP require (as appropriate) proposals to be acceptable in terms of their environmental and/or community impacts. Policy CA18 of the KMLP CA requires that noise and dust are satisfactorily controlled. Policy W18 of the KWLP requires noise, dust odour and other emissions from waste management proposals to be controlled, particularly in respect of potential impact on neighbouring land uses and amenity. Policy W26 of the KWLP had additionally set out the hours during which waste facilities will normally be permitted to operate in Kent and these are reflected in the existing hours of working. However, following the decision of the Secretary of State not to continue to "save" Policy W26 under the terms of the Planning and Compulsory Purchase Act 2004 it ceased to be part of the development plan on 27 September 2007. The above minerals policies are being carried forward or are otherwise reflected in Policies MDC1, MDC2, MDC6, MDC7, MDC19, MDC20, MDC21 and MDC25 of the KMDF PDCP DPD Submission Document November 2006.

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65. A number of local residents have objected to the proposals due to concerns about noise and dust whilst Platt Parish Council has raised concerns about non-compliance with the existing permitted operating hours. Platt Parish Council also expressed concerns at the Members' site visit that both Wrotham School and Platt Primary School could be affected by noise from site operations. As noted at paragraph 7 above, complaints have also been received during 2007 about noise, dust, windblown sand and hours of working at the existing site. These have been received from local residents living to the south of the existing site and main railway line at Lingfield Road. It is believed that the worst air quality impacts have resulted from inert landfill / restoration operations in that south western part of the site closest to these properties during certain wind directions in periods of dry weather and the temporary failure of the operators' water bowser, exacerbated by the fact that large areas of the site remain to be fully restored and grassed. The applicant has taken or plans a number of measures to address these concerns (e.g. improvements to water bowser, erection of additional site screening / noise bund parallel to the railway line and grass seeding of large areas of the site). The applicant has also been reminded of the need to comply with the permitted hours of working and has given assurances on this. Concerns about mud / debris on the highway are addressed in the Highways and transport section of this report. Some local residents have also objected as a result of concerns about waste types and the potential for methane gas.
66. Tonbridge and Malling Borough Council has no objection to the application for a northern extension provided that the County Council is satisfied that day to day operations would not exceed 55 dB  $L_{Aeq,1hr}$  and temporary operations such as soil stripping and replacement and formation and removal of site screening / noise attenuation bunds would not exceed 70 dB  $L_{Aeq,1hr}$  for no more than 8 weeks in any year and subject to conditions being imposed to secure (amongst other matters) this and dust control measures. The Borough Council has also requested that similar conditions be applied to the existing site and soil blending operation. Borough Green Parish Council has also requested that existing conditions be maintained in respect of potential amenity impacts for any additional time periods.
67. The County Council's noise and dust consultant has advised that all the proposed operations on the existing and proposed sites are capable of meeting the noise limits set out in MPS2 (i.e. those set out above) subject to the implementation of the mitigation measures set out in the latest noise report. Given this, and the fact that that the current planning permission contain no specific noise limits, I consider that the applications are all acceptable in terms of noise emissions and that the opportunity should be taken to apply noise limits on any new permissions. In order to achieve these noise limits, it would be necessary for additional noise attenuation measures to be implemented (e.g. extension of existing peripheral bund on western boundary near Annetts Hall and erection of "L" shaped barrier during the latter stages of infilling of phase R4). Specific noise limits and any necessary mitigation measures can be secured by condition(s).
68. The County Council's noise and dust consultant has also advised that he is satisfied that the proposed dust / air quality mitigation measures are acceptable. These can be



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secured by condition(s). This would meet the Borough Council's request. It is also important that the existing site is satisfactorily restored in a phased manner and that those areas which have been soiled (including site screening / noise bunds and the Phase 1a area referred to in paragraph 104) are successfully grass seeded as soon as possible such that the total amount of exposed surface is reduced. This can also be secured by condition(s).

69. Notwithstanding the fact that KWLP Policy W26 is no longer part of the development plan, I consider that the hours of working set out in old Policy W26 and are already permitted at the existing site remain appropriate in this case. The proposed waste types (i.e. inert) would not give rise to methane gas or threaten local properties as has been suggested. The precise nature of any wastes to be deposited at the site would continue to be addressed by the PPC Permit and the Environment Agency would continue to monitor operations. Conditions should also be imposed to secure the proposed hours of working and to restrict waste types to those sought.
70. Subject to the imposition of any necessary conditions to address the above matters all three applications would accord with the above policies.

Landscape and visual amenity

71. Government guidance on both minerals and waste seeks to ensure that landscape impacts of development proposals are acceptable. PPS10 states that landscape, design and visual impact are important locational criteria and MPS1 that the character of rural and urban areas should be protected and enhanced by careful planning and design of any proposals for mineral development. Similar requirements are reflected in Policies E1 and W14 of RPG9 and Policies C2, C3 and W14 of the draft South East Plan. Policies EN1, EN3, EN4, WM2 and MN3 of the KMSP require that development is acceptable in terms of landscape impact. Policy WM5 of the KMSP additionally requires landfill associated with the restoration of mineral workings to result in beneficial after-use or improvement of the environment. Policies CA22 and CA23 of the KMLP CA respectively require minerals proposals to include appropriate landscaping schemes and satisfactory working and reclamation schemes designed to return the land to a planned afteruse of the highest standard as quickly as possible whilst taking account of cumulative impact. Policy W32 of the KWLP requires that proposals incorporate satisfactory operation, restoration and aftercare schemes. The above minerals policies are being carried forward or are otherwise reflected in Policies MDC1, MDC2, MDC12, MDC13, MDC27, MDC27 and MDC28 of the KMDF PDCP DPD Submission Document November 2006.
72. Although a number of local residents have objected to the proposed northern extension due to concerns about landscape and visual impact (e.g. cumulative impact of quarrying in the area, loss of fields and potential impacts of lighting), none of the consultees has maintained a landscape objection provided certain matters are satisfactorily secured and none have disputed that it would be necessary for the site to be restored close to original levels using imported inert waste. SEERA has advised that if planning permission is granted for the northern extension, appropriate mitigation

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should be secured to protect and enhance landscape quality to meet the objectives of the above regional policies. The Borough Council has requested that appropriate restoration and aftercare conditions be imposed and that features of the existing landscape be incorporated into the site restoration scheme as set out in the historical landscape survey. Kent Wildlife Trust has withdrawn its initial objection provided a fully funded programme of aftercare for the new native-species woodland and all semi-natural habitat features is secured. The County Council's landscape consultant has supported the desirability of restoration contours being similar to original levels and has no objection to the proposals subject to the imposition of conditions to secure the proposed landscape mitigation measures (including measures to protect existing trees).

73. The existing site can be seen to varying degrees from locations including housing to the south and west (primarily from first floor windows), the industrial estate to the east and the railway line to the south. Views from these locations would not change significantly although the removal of the woodland (including the TPO area) to facilitate the northern extension would lead to increased views of operational areas albeit that this would be mitigated to some degree by an increase in restored area in the existing site. Views of the proposed northern extension would be greatest from the footpath which crosses the site (or its amended route) and those joining this, although some other viewpoints would exist (mostly from distance), including those from within the AONB to the north. The proposed initial landscape planting and soil storage area would assist in screening the development from most viewpoints although any advance planting (including that between the realigned footpath and the proposed extraction area) would not fully screen workings but would serve to provide some visual attenuation. Existing woodland and hedgerows would also play an important role in minimising visual impact. The proposed final restoration has been designed to both reflect and link with that already permitted and would result in an overall increase in tree and other planting in the area.
74. In response to the local objections, I consider that the cumulative impact of quarrying and landfill operations around Borough Green has clearly had some effect on the local area and that the proposed northern extension would add to this for a relatively short period of time. However, minerals can only be worked where they are found and quarries require subsequent restoration in order that they be returned to a beneficial afteruse. I believe that provided appropriate conditions are imposed and planning obligations secured through a S106 Agreement, the proposed mitigation measures and site restoration proposals would not give rise to an unacceptable cumulative impact. Similarly, whilst a temporary loss of the fields affected by the proposed northern extension during mineral working and restoration is unavoidable, they would not be permanently lost as they would be restored as part of the proposed restoration scheme. Whilst it is possible that some lighting may be used by plant or vehicles at the site during periods of poor lighting (e.g. in winter months) it is understood that the site is unlikely to operate extensively during such times due to health and safety issues. No lighting is specifically proposed as part of the proposals and if permission is granted it would be appropriate to require the prior approval of any external lighting within the proposed northern extension area and any new lighting within the existing

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site area before any is installed. Although the proposed development lies very close to the AONB, I am satisfied that it would not cause any significant harm to the distinctive character and features of the AONB or to the natural beauty of its landscape such that it should not be permitted.

75. I consider that the proposals are acceptable in landscape terms and that subject to the imposition and condition(s) in respect of the matters outlined above and the completion of a S106 Agreement to secure the Heads of Terms set out in Appendix 7 (page C1.48) they would accord with the above policies.

Trees and woodland (including TPOs)

76. Policy EN9 of the KMSP seeks the maintenance and enhancement of existing tree and hedgerow cover and creation of new woodland as part of development proposals. These objectives are reflected in Policy MDC14 of the KMDF PDCP DPD Submission Document November 2006 which also states that the MPA will only grant planning permission for development which would not result in significant harm to trees, woodland and hedgerows which are of historic, amenity or wildlife value.
77. Platt Parish Council has objected to the loss of the woodland between the existing site and proposed northern extension area and has suggested that the proposals be amended to secure its retention. It has also stated that any loss of mixed hedgerows must be fully compensated for by new planting. A number of local residents have also objected to the loss of mature trees.
78. The loss of the trees and woodland would be unavoidable if the proposed northern extension area is to be worked as an extension to the existing site and is to include both of the fields from which extraction is proposed. Given these losses, it is important that the proposals safeguard any existing woodland, trees and hedgerows that are to be retained and provide for an overall increase in woodland, tree and hedgerow cover. The County Council's landscape consultant is satisfied with the applicant's tree survey report and measures proposed to safeguard trees. These measures are capable of being secured by condition. I am satisfied that the proposals would lead to an overall increase in woodland, tree and hedgerow cover in the longer term such that they would not conflict with the aims of the above policies.
79. As detailed in the Landscape and visual amenity section above, it would be important to ensure that the applicant undertake an appropriate aftercare programme for the new native-species woodland and all semi-natural habitat features. Normally, aftercare would be addressed by condition and would only last for 5 years. In this case, because mature trees and woodland (including a group TPO) would be lost, it is important to ensure that any replacements are retained and maintained in the longer term. The applicant acknowledges the importance of retaining the proposed woodland shaw on land to the west of the proposed topsoil stockpile and I believe that this longer term safeguarding should be extended to other areas of the site. The applicant has agreed to maintain and manage the landscape planting in both the proposed northern extension and existing site for a period of no less than 10 years beyond the

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satisfactory signing-off by KCC of the last landscape / aftercare requirement imposed by planning condition. This would need to be secured through a S106 Agreement and is reflected in clause 6 of the Heads of Terms set out at Appendix 7 (page C1.48). Those issues relating to the use of the trees and hedgerows by bats or other animals is addressed in the Ecology section later in this report. Subject to the imposition of conditions and the completion of a S106 Agreement I am satisfied that the proposals would accord with the above policies.

Archaeology and historic landscape

80. MPS1 and PPS10 are clear that archaeology and the historic environment are important locational criteria when considering minerals and waste proposals. Policy E1 of RPG9 seeks to protect and enhance areas for their landscape quality or cultural importance whilst Policy BE7 of the draft SE Plan encourages Local Authorities to adopt policies and proposals which support the conservation and, where appropriate, the enhancement of the historic environment. Policies QL7 and QL9 of the KMSP require that development is acceptable in terms of potential impact on archaeology and historic landscape features. The aims of these policies are being carried forward in detail in Policies MDC2, MDC9b and MDC9c of the KMDF PDCP DPD Submission Document November 2006.
81. No objections have been received in respect of archaeology and historic landscape and the County Council's archaeological officer has indicated that the northern extension area is not likely to contain significant archaeology. The existing site has already been completely disturbed by previous extraction. Following the receipt of the additional historic landscape assessment, the County Council's archaeological officer has confirmed that the proposals are acceptable in terms of both archaeology and historic landscape and that any requirement for further works (e.g. recording) can be satisfactorily addressed by a condition requiring that no development take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written statement and timetable which has been submitted to and approved in writing by the County Planning Authority. On this basis, I am satisfied that the proposals accord with the above policies.

Ecology

82. MPS1 and PPS10 are clear that wildlife and biodiversity interests are important locational criteria when considering minerals and waste proposals. Policy E2 of RPG9 and Policy NRM4 of the draft South East Plan seek to maintain and enhance the region's biodiversity and actively pursue opportunities to achieve a net gain across the region. Policies EN7 and EN8 of the KMSP require that development is acceptable in terms of potential impact on ecology (including designated sites). Policy W21 of the KWLP requires proposals to be acceptable in terms of potential impacts on environmental resources such as SNCI's or require appropriate mitigation for protecting such interests. The aims of the above policies are being carried forward in detail in Policies MDC2 and MDC11c of the KMDF PDCP DPD Submission Document November 2006.

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83. A number of local residents have objected to the potential adverse impacts on wildlife (e.g. badgers, rabbits and foxes) and believe that the ecological reports fail to adequately reflect the importance of bird species in the area. However, Natural England is satisfied that the proposals would not give rise to unacceptable impacts on protected species provided appropriate mitigation is undertaken. It has requested that if planning permission is granted a condition be imposed requiring the submission and approval of a detailed mitigation scheme for bats prior to the commencement of any works which may affect bats or their roosts. It has also asked that informatives be attached reminding the applicant of its obligations in respect of great crested newts and dormice (in the unlikely event that these are found at the site). Kent Wildlife Trust is content to leave these issues to Natural England. SEERA has advised that if planning permission is granted for the northern extension, appropriate mitigation should be secured to protect and enhance biodiversity assets to meet the objectives of the above regional policies. Although the County Council's Biodiversity Officer is also satisfied in respect of potential impacts on great crested newts and supports Natural England's request for a condition relating to bats, she has also sought conditions in respect of dormice (precautionary mitigation method statement) and nesting birds (protection). Since Natural England is satisfied that the dormice issue can be satisfactorily addressed by an informative, I do not believe that the suggested condition is either necessary or reasonable in this instance. The issue of nesting birds can also be satisfactorily addressed by an informative.
84. Although the proposals would have some impact on ecological interest, those responsible for its protection are satisfied that any impacts are acceptable subject to the mitigation measures set out in the ecological reports. On this basis, and notwithstanding the discrepancy between the approaches suggested by Natural England and the County Council's Biodiversity Officer, I consider that the proposed development would accord with the above policies provided suitable conditions are imposed to secure appropriate mitigation, informatives are appended in respect of those matters referred to above and a S106 Agreement is concluded to ensure the long term retention and maintenance of restored areas.

Highways and transport

85. Government guidance on both minerals and waste seeks to ensure that transportation impacts of development proposals are minimised. PPS10 states that the selection of sites for new or enhanced waste management facilities should involve consideration of the capacity of existing and potential transport infrastructure to support the sustainable movement of waste and that the suitability of the road network and the extent to which access would require reliance on local roads are criteria that should be considered. Good transport connections are also encouraged in MPS1, Policy W17 of RPG9 and Policy W17 of the draft South East Plan. Policies WM2, MN3 and TP15 of the KMSP require that development is acceptable in terms of traffic impact and, in the case of TP15, well related to the primary or secondary route network. Policy W22 of the KWLP and Policy CA16 of the KMLP CA require waste management and minerals proposals to be acceptable in terms of highway safety and capacity and for the

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developer to provide for any necessary improvements. The aims of the above policies are being carried forward in Policies MDC2, MDC3 and MDC4 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.

86. Platt Parish Council and most local residents who have responded have objected to the proposals due to concerns about HGV movements and their impacts on local residents (including users of Platt Primary School) as a result of the use of the Platt Industrial Estate / A25 junction and the A25 more generally. It has also been suggested that the Platt Industrial Estate / A25 junction is inadequate because HGVs travelling east often use part of the westbound carriageway to turn left and that problems at the junction are exacerbated when vehicles are entering and leaving the industrial estate at the same time. Platt Parish Council has also suggested that access should be through Nepicar Sand Quarry as required by the 1999 planning permission for a western extension to Park Farm Quarry (as referred to in paragraph 6 above). Although one resident has suggested that access should be off Wrotham Road instead, another has raised no objection provided the existing access via the industrial estate onto the A25 is maintained. Concerns have also been expressed about HGV numbers, the applicant's failure to comply with the existing permitted daily limits and mud / debris on the highway. These issues were discussed at some length during the Members' site visit.
87. Tonbridge and Malling Borough Council has raised no objection on highway grounds subject to no objection from Kent Highways and the imposition of the same highway conditions as currently. Borough Green Parish Council has also sought the re-imposition of the highway conditions and specifically stated that HGV movements should be no greater than currently, that all vehicles entering and leaving the site should be adequately covered and sheeted and that wheel-washing and road cleaning operations must be in place for the duration of any works. The Divisional Transportation Manager (West Kent) has no objections subject to no more than 60 HGV movements (30 in/30 out) associated with sand extraction and restoration by backfilling with inert waste and 4 HGV movements (2 in/2 out) associated with the soil blending (i.e. a maximum of 64 per day in total), a verifiable system to facilitate the monitoring of daily HGV movements and the submission of proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction (to be implemented at the applicant's expense).
88. Notwithstanding the concerns expressed by Platt Parish Council and local residents, the proposed development would not lead to any increase in HGV movements. It must also be acknowledged that apart from Park Farm Clay Quarry (which has a weekly limit of 320 movements but no daily maximum) no other users of Platt Industrial Estate are subject to any restrictions whatsoever in terms of numbers of vehicle movements. It should also be noted that the previous permitted access through Nepicar Quarry was required because the extension to Park Farm Quarry would have resulted in a weekly average of up to 608 HGV movements (equating to 111 movements per day). This was clearly significantly greater than those existing and proposed at the current application site. More importantly, the Divisional Transportation Manager (West Kent) has agreed that the proposed HGV movements

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are acceptable provided the maximum number is adhered to. The Divisional Transportation Manager has not recommended any additional controls in respect of peak hours such as those suggested by Platt Parish Council to avoid school opening and closing times.

89. As was discussed at the Members' site visit, the applicant has recently demonstrated that he can comply with the existing permitted HGV movement restriction and can continue to do so through careful management of his pricing structure and arrangements with customers (e.g. prioritising and encouraging backhauling). The applicant also already has measures in place to address potential mud, debris and dust issues on the highway (e.g. wheel wash and road sweeper) and has given assurances on their continued use.
90. Restrictions on HGV movements and implementation of measures to minimise mud, debris and dust on the highway could continue to be addressed by conditions if permission is granted. Condition(s) could also be imposed to require that HGVs entering and leaving the site are covered or sheeted (as appropriate) and the submission of daily HGV movements on a monthly basis. Whilst the proposed implementation of a verifiable system to facilitate the monitoring of daily HGV movements and the submission and implementation of proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction are capable of being addressed by conditions, the fact that the applicant may need to undertake works at his expense means that these matters should more appropriately be addressed in a S106 Agreement. Heads of terms for these issues are set out in Appendix 7 (page C1.48). It should be noted that if the proposals to provide for minor improvements to the Platt Industrial Estate / A25 junction are not capable of being implemented on land within the highway boundary at this location (i.e. on land which neither the applicant or the County Council has control) it may not be possible for improvements to be made. Having discussed the matter with the relevant Highway Engineer prior to the Members' site visit, I am reasonably confident that some improvements (e.g. minor kerb realignment) would be possible within the highway boundary such that the suggested approach is a fair one.
91. Subject to the above matters being satisfactorily addressed by conditions and S106 Agreement (as appropriate), I consider that the proposed development would be acceptable in highways terms and would accord with the above policies.

Public rights of way

92. Policy QL17 of the KMSPP states that the rights of way network will be protected and enhanced. Policy W27 of the KWLP and Policy CA21 of the KMLP CA require rights of way or their users interests to be safeguarded from proposals.
93. Although a number of local residents have objected on the basis that the footpath and public access to the fields within the application site would be lost, no objections have been received to the proposed footpath diversion arrangements. West Kent Public Rights of Way Office has raised no objection subject to appropriate consideration of

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proposed footpath diversion and any recommendation for planning permission requiring the applicant to pay all KCC's reasonable costs associated with the proposed diversion and associated installation of necessary infrastructure.

94. The application proposes that public footpath MR251 would be permanently diverted some 30m to 45m to the north and would be separated from the extraction area by existing trees, a new woodland shaw and a new hedgerow. The new footpath would be fenced and a further hedgerow planted to the north. The proposed route would only be slightly longer than currently and would only involve a short detour northwards. Whilst the proposed tree and hedgerow planting proposals would serve to provide some visual attenuation from the mineral and waste operations, it is likely that the planting would not be sufficiently mature to fully screen them for the initial stages of development. The issue of whether the proposed route with its associated planting would be better or worse than that existing is a matter of personal preference. The proposal would give rise to a more enclosed experience. Any loss of openness experienced in this context would need to be offset against the benefits that would accrue from increased ecological interest.
95. The obstruction or closure of the existing footpath could not lawfully take place until such a time as a formal diversion order has been obtained under the relevant legislation and a new route fully implemented (including associated infrastructure). There is no guarantee at this stage that any application for a diversion order would be successful and it would therefore be important to ensure that the proposed development could not have any direct impact on the existing footpath until such a time as the above matters were successfully concluded. This could be secured by condition(s) if planning permission were granted. In the event that the proposed formal footpath diversion order were not obtained, it would either be necessary for some revised diversion to be secured or for the proposed development to be amended to provide for the retention of the footpath on its current route. This could also be addressed by condition. The Heads of Terms at Appendix 7 (page C1.48) would ensure that the developer pay for any costs that may be associated with the footpath diversion process.
96. Subject to the above matters being satisfactorily addressed by conditions and S106 Agreement (as appropriate), I consider that the proposed development would be acceptable in terms of public rights of way and would accord with the above policies.

Green Belt

97. PPG2 states that there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved except in very special circumstances. However, it goes on to say that minerals can only be worked where they are found, their extraction is a temporary activity and extraction need not be inappropriate development and need not conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. Policy E3 of RPG9 and Policy CC10a of the draft SE Plan both recognise the importance of Green Belts. Policy SS2 of the KMSP states



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that there is a general presumption against inappropriate development in the Green Belt. The aims of the above policies are being carried forward in Policy MDC16 of the KMDF Primary Development Control Policies (PDCP) DPD Submission Document November 2006.

98. Whilst the site lies in the Green Belt it is clear from the above policies that provided the proposal incorporates high environmental standards and appropriate restoration this need not be inappropriate development nor preclude development. The application includes phased working and restoration plans. Assessment of the adequacy of the proposed environmental standards, mitigation and restoration proposals are addressed elsewhere in this report. Subject to these all being acceptable and permitted development rights being withdrawn to prevent inappropriate ancillary development (which can be done by condition), I see no reason to refuse the application on Green Belt grounds.

The need or otherwise for soil blending to assist in restoration at the site or for other purposes

99. The use of an active mineral working site for soil blending using materials sourced from on and off site would accord with the locational criteria set out in Policy W17 of RPG9 and Policy W17 of the draft SE Plan (i.e. at a compatible land use).
100. The existing planning permission for soil blending at the site until 31 December 2008 was not originally granted on the basis of being required to assist in site restoration although it additionally serves this purpose. Instead, it was granted to serve an increasing market demand for such products and because such facilities are difficult to establish on industrial areas where all materials required would need to be imported. The operation involves the manufacture of about 8,000tpa of soil by blending imported compost (20%) with sand extracted from the quarry (40%) and reclaimed / recycled subsoil material arising from imported waste materials arriving for landfill (40%). Demand for the manufactured soils is greatest in February, March, September and October when required for tree planting and other landscape projects.
101. I accept that a continuation of soil blending operations would serve to assist in providing suitable soils for restoration of the existing site as well as providing a useful source of manufactured soils for local markets. The proposed location of the soil blending operation is acceptable and the application provides the opportunity to impose a specific noise limit on the operation (i.e. 55 dB L<sub>Aeq,1hr</sub>). The Divisional Transportation Manager (West Kent) has no objection to 4 HGV movements (2 in/ 2 out) per day associated with the operation although this needs to be considered in the context of his overall comments referred to in the Highways and transportation section of this report.

The appropriateness of the additional time periods sought (including the relationship with other operations at the site – existing or proposed)

102. It has previously been accepted that soil blending may continue at the site for the

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duration of the permitted mineral reserves (i.e. until the end of 2008). If the northern extension is permitted and soil blending were to continue on the same basis, it would mean that operations should be permitted until at least 2015 (i.e. the time by which the applicant estimates that all mineral reserves would be exhausted). In this case, the applicant has sought permission until the end of 2018 to coincide with the anticipated completion of restoration.

103. If the duration of the soil blending operation were to be linked to final restoration (as proposed) this would give rise to the need for sand to be stockpiled for this purpose unless sand is to imported once indigenous reserves are exhausted. The importation of sand for soil blending is not permitted by the current consent and has not been sought now. In view of concerns that have been expressed about vehicle movements in the area and the desirability of restoration being completed rapidly after mineral reserves are exhausted, I consider that any soil blending permission should remain linked to the availability of sand from the site. On this basis, and to avoid the possibility of a large stockpile being created to facilitate soil blending after extraction has ceased or lead to any delay in restoration, I consider that any new soil blending permission should cease when sand reserves are exhausted or the end of 2015 (whichever is the sooner). This can be secured by condition. If the applicant wanted to continue some form of soil blending after this date (e.g. to further assist in providing soils for restoration of the site), he could apply to either vary the permission or apply for a new planning permission (as appropriate).
104. If planning permission is granted for the proposed northern extension to the site and sand processing is not to take place in that area, I accept that additional time would be required to allow sand processing to continue and for restoration by backfilling to be completed in the existing site. I also accept that the proposed time period sought for this is reasonable for the reasons set out in paragraph 11. However, I consider that it would be appropriate to impose additional restrictions on the duration of any sand extraction in the existing site such that extraction be completed in this area before extraction commence in the northern extension. This would secure appropriate and timely phasing, avoid the possibility of further piecemeal extraction or re-working and ensure no unnecessary delays in restoring the remainder of Phases R1b and R2.

Other issues

105. Due to difficulties in achieving suitable surface water drainage on the largely restored eastern part of the existing site (Phase R1a) whilst the site is still operational and partially restored and access is still required through the northern part of this area, the applicant has tipped and topsoiled to levels which exceed those required by the existing planning permission. The over-tipping varies from 2m to 8m too high. As discussed in paragraph 68 above, it is considered important that this area is grass seeded as soon as possible to reduce adverse air quality impacts. For this reason, and in acceptance of the problem with internal surface water drainage pending completion of much of the other restoration, I consider that it would be pragmatic to allow the over-tipped area to remain at this stage and for the area to be recontoured as part of the final restoration works (i.e. those associated with Phases R4 and R5).

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This would also serve to reduce any cumulative adverse impacts on properties to the south of the railway line whilst the area to the west (Phases R1b and R2) is being restored. This can be addressed by condition(s).

106. Natural England has requested that conditions be imposed to ensure that best practice is employed for restoration and aftercare in so far as this relates to the agricultural areas of the site (e.g. soil handling, depth and profile). I am satisfied that these issues can be addressed by condition(s).
107. No objections have been received in respect of the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 and if they were not part of an application seeking permission for other matters they would normally be dealt with under delegated authority. Since the applicant is seeking retrospective approval of these items and I consider them to be acceptable I see no reason not to permit / approve the details subject to any additional detailed controls that may be necessary.

**Conclusion**

Application TM/07/512 (northern extension)

108. I am satisfied with the quantity and quality of the mineral reserve. Although there may currently be no need for the sand reserves in the proposed northern extension to meet any landbank requirement at this time I accept that there will be such a need in the near future if this is not already the case. Failure to grant permission now would be likely to simply delay implementation of the proposals and lead to operational difficulties that could best be addressed at this time as part of a logical extension to the working and restoration of the existing site. On this basis, and since the proposal would give rise to no significant harm and that any harm that would arise could be satisfactorily addressed by the imposition of conditions and the prior completion of a S106 Agreement to cover the Heads of Terms set out in Appendix 7 (page C1.48), I recommend accordingly.

Applications TM/07/3101 (duration of soil blending)

109. I am satisfied that the proposed extension of the soil blending permission would continue to provide a useful facility for the production of soils in the area (for use on or off-site), would not give rise to significant adverse impacts and that any impacts that may arise could be satisfactorily mitigated by the imposition of conditions. In some instances the existing conditions are already adequate and can be re-imposed, however, a specific noise limit should also be imposed by condition. Assuming that planning permission is granted for the proposed northern extension, it would also be appropriate to limit operations until when sand reserves are exhausted or the end of 2015 (whichever is the sooner). I therefore recommend accordingly. If planning permission is not granted for the northern extension, permission for extended soil blending operations should be refused.

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TM/07/3100 (duration of sand extraction and restoration by backfilling, etc)

110. I am satisfied that it would be necessary to vary the terms of the existing planning permission for sand extraction and restoration by backfilling, etc, if planning permission is granted for the northern extension and that the proposed extended time period and associated revised timetable is reasonable. I am also satisfied that the details of site buildings and associated facilities pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100 are acceptable. On this basis, I recommend accordingly. If planning permission is not granted for the northern extension, permission to extend the duration of sand extraction and restoration by backfilling, etc, and the associated revised timetable should be refused. In this eventuality, I would still recommend that the details of site buildings and associated facilities be permitted / approved pursuant to conditions 2 and 21 of planning permission TM/98/1843/MR100.

**Recommendation**

111. I RECOMMEND that:

- (i) PERMISSION BE GRANTED for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials (*i.e. planning application TM/07/512*) SUBJECT TO the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 7 and the applicants meeting the County Council's reasonable legal costs associated with this agreement and conditions covering amongst other matters: duration of the permission (until 31 December 2018); requirement for annual progress reports; maximum depth of extraction (68m AOD); wastes being restricted to those types set out in the application; hours of operation; noise limits; dust controls; lighting (to minimise visual impacts); vehicle movement restrictions (60 per day – 30 in/30 out); use of existing site access only; measures to minimise mud, dust and other debris being deposited in the highway (including vehicle sheeting); landscape planting and long term maintenance; protection of existing trees; removal of permitted development rights; more detailed working, restoration and aftercare schemes; surface water drainage; appropriate soil handling and storage; ecology; and archaeology and historic landscape.
- (ii) PERMISSION BE PARTIALLY GRANTED to vary condition 1 of planning permission TM/05/1672, to relax the time limit for soil blending operations to continue in final location only on the site plan beyond 2008 to 31 August 2018 to meet revised quarry restoration timescales proposed in current planning application TM/07/512 for a northern extension to the sand quarry (*i.e. planning application TM/07/3101*) SUBJECT TO planning permission being granted for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials and conditions covering amongst other matters: to limit operations until when sand reserves are exhausted or the end of 2015 (whichever is the sooner); and existing conditions

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to be replicated or amended as necessary.

- (iii) PERMISSION BE GRANTED to vary condition 3 of planning permission TM/98/1843/MR100, as amended by planning permission TM/05/1173, to further relax the time limit for sand extraction and restoration by backfilling, to provide an amended timetable for implementation of restoration pursuant to condition 2 of planning permission TM/98/1843/MR100 (*i.e. part of planning application TM/07/3100*) SUBJECT TO planning permission being granted for the northern extension of existing sand quarry and restoration to agriculture, amenity and woodland using imported inert waste materials and conditions covering amongst other matters: duration of the permission (until 31 December 2018); sand extraction to be completed in the existing area before extraction commences in the proposed northern extension; and existing conditions to be replicated or amended as necessary.
- (iv) PERMISSION BE GRANTED to depart from the requirement of condition 2 of planning permission TM/98/1843/MR100 and for APPROVAL TO BE GIVEN to amend the details of site buildings and associated facilities pursuant to condition 21 of planning permission TM/98/1843/MR100 (*i.e. part of planning application TM/07/3100*).

Case Officer: Jim Wooldridge
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Tel. no. 01622 221060
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Background Documents: see section heading.
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### APPENDIX 1 TO ITEM C1

**NOTES of a Planning Applications Committee Members' Site Visit to Borough Green Sand Pit on Friday, 21 September 2007.**

MEMBERS PRESENT: Mr R E King (Chairman), Mrs V J Dagger, Mrs S V Hohler, Mr S J G Koowaree, Mr T A Maddison, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mr J Wooldridge (Planning), Mr R Dines (Highways) and Mr A Tait (Legal and Democratic Services).

THE APPLICANT: Borough Green Sand Pits Ltd: Mr R Body (with Mr R Lane – Land and Mineral Management Ltd).

OTHER LOCAL AUTHORITIES: Tonbridge and Malling BC (Cllrs H S Rogers and F R D Chartres); Platt PC (Cllr B Baker).

1. The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties.
2. Mr Wooldridge introduced the applications. These were: firstly for the northern extension of the existing sand quarry; secondly for the continuation of the soil blending until the end of August 2018; and thirdly for the extension of time for sand extraction and restoration by backfilling with a consequently amended timetable for restoration.
3. Mr Wooldridge referred members to the briefing note, which had set out a detailed description of the site. He then explained that access was via the Platt Industrial Estate from the A25, which was also used by other operations. He pointed out the close proximity to the entrance of Whatcote Cottages. The nearest properties to the existing site were in the Annetts Hall housing estate, Tolsey Mead and Lingfield Road (between 80 and 150 metres to the south and west of the proposed northern extension). The entire site lay within the Green Belt. There were also a number of other quarries in the area.
4. Mr Wooldridge then described the location of the proposed northern extension. This consisted of three grass fields, sloping down to the south east and separated by hedgerows which ran north to south and contained some mature trees. There was also an area of old and semi-natural woodland, much of which was the subject of a group Tree Protection Order. A small part of the existing sand pit was also part of the application site. A public footpath ran east to west within the northern part of the site.
5. Parts of the application site lay within a Special Landscape Area and a Green Wedge. The North Downs AONB lay to the north west. The site had been identified as a preferred area for building sand extraction in the Kent Minerals Development Framework.

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6. Mr Wooldridge went on to explain the existing permissions. The sand extraction and soil blending needed to be completed by the end of 2008 with restoration to a private nature conservation area through inert waste landfill by the end of 2015. The maximum depth of working was 70m AOD (Above Ordnance Datum). The maximum number of lorry movements was limited to 60 per day (30 in and 30 out) with an additional 4 (2 in and 2 out) for soil blending. The hours of working were 7 am to 6 pm on Mondays to Fridays and 7 am to 1 pm on Sundays. There were no specific noise limits. The eastern part of the existing quarry had been largely worked out and was now nearly backfilled to approved levels, although soiling had yet to be completed. The western part of the quarry contained the dry screening sand processing plant and soil blending operation, whilst the southern part was currently being backfilled with inert waste.
7. Borough Green Sand Pit had a shared access with the Park Farm Quarry. This quarry's maximum number of vehicle movements was 320 (160 in and 160 out) per week with no daily maximum. Clay or sand could continue to be extracted from the western part of that site up to 2040 (with restoration by 2042). The permission for the westerly extension to Park Farm for clay extraction (with access via Nepicar Farm) had now lapsed.
8. Mr Wooldridge continued by describing the proposals in detail. The Northern Extension would involve the extraction of 736,000 tonnes of building, construction and industrial/silica sand in three phases and restoration with imported inert waste. The silica sand element would amount to 50,000 tonnes. The extraction area would be 4.42 hectares of a 6.1 hectare site at an increased depth of 68m AOD. The proposal would require the removal of an area of woodland (including the group TPO) and the main hedgerow and the diversion of the public footpath to a more northerly route.
9. The topsoil would be stored in a large bund in the western field until it was used in the final restoration. This would also assist with visual and noise attenuation. The subsoils would either be stored in the base of the proposed excavation or used to aid restoration of the existing quarry. Production would continue at about 100,000 tonnes per annum.
10. The applicant hoped to commence operations in late 2007 or early 2008 (as the permitted reserves were expected to be exhausted in 2008). Extraction would be completed by 2015 and restoration by 2018. The phased restoration would be close to existing levels. It would also include new woodland, tree and hedgerow planting. The rest of the site would be restored to pasture.
11. Mr Wooldridge explained that changes would be needed to the existing permission as it would not be possible to restore all of the existing site until the proposed northern extension was completed.
12. The application proposed that the hours of operation and traffic limits would be the same as for the existing permission and that the existing noise and dust mitigation

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measures would continue. There would also be a Code of Safe Operating Practice to protect groundwater and the Mid Kent Water pumping station.

13. Mr Wooldridge said that since publication of the briefing note, a revised noise report and bat survey had been submitted. These were now being circulated for comment. He also said that a response had now been received from Tonbridge and Malling Borough Council to the proposed northern extension.
14. The proposal for the soil blending operation was to allow it to continue until 31 August 2018 in order to meet the revised quarry restoration timescales.
15. The other proposal would: bring about an extension of the time for sand extraction and restoration by backfilling to end 2018; amend the timetable for implementation and restoration; and amend the details of various site buildings and associated facilities.
16. Mr Wooldridge informed the meeting of objections from five consultees. The first of these was from Tonbridge and Malling BC on noise grounds. Platt PC had also objected on the grounds of loss of woodland, the number of HGV movements and their resultant impact on the A25 and the industrial estate junction with the A25. In this respect, they had also raised questions of compliance with the terms of the current permission. Natural England, Kent Wildlife Trust and the KCC Biodiversity Officer had all objected to the lack of a bat survey. *This had now been received – see para 13.*
17. Comments were still awaited from Wrotham PC, Kent Wildlife Trust (on the two Section 73 applications), CPRE, Mid Kent Water and the KCC Noise and Dust consultant (on the revised noise report). The other consultees had raised no objections.
18. Mr Wooldridge said that 12 objections to the proposed northern extension had been received from local residents. The grounds for objection were: the loss of fields which were used for public access and the public footpath; the loss of mature trees; the impact of HGVs on local residents, houses and Wrotham School (some 300m to the north west) in terms of noise, dust, vibration, highway safety, traffic speed, spillages, congestion and way of life; HGV numbers; the inadequacy of the A25 / industrial estate road junction; waste materials and methane gas; noise, dust and visual impacts; wildlife impact (including badgers, rabbits, foxes and birds); water levels and drainage; the cumulative impact of the quarrying; and impact on the Green Belt. One respondent had argued that access should be from the Wrotham Road.
19. One respondent had raised no objection subject to the access being from Platt Estate and not the Wrotham Road and also to tree planting taking place across the field to screen the workings from Tolsey Mead.
20. Four objections had also been received in respect of the other two applications. These had indicated that the operator should have been able to complete operations within the permitted timescale and there was no guarantee that he would be able to do



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so again if further permission(s) were granted; HGV movements would give rise to unacceptable impacts (as above); and that the proposals did not allow for the need for the existing site to be restored as quickly as possible in the event of the northern extension being permitted.

21. Mr Wooldridge summed up the determining issues for the northern extension proposal. These were the quantity and quality of the mineral resource; the need for the mineral and for inert waste disposal; water environment; local amenity impacts; landscape and visual amenity; trees and woodland (including the TPOs); archaeology and historic landscape; ecology; highways and transport; the public rights of way and the Green Belt.
22. For the soil blending and sand extraction/restoration proposals the determining issues were the need for soil blending to assist restoration; the appropriateness of the additional time period sought; local amenity impacts; landscape and visual amenity; highways and transport; and the Green Belt.
23. Mr Wooldridge concluded his presentation by saying that a number of complaints had been received during 2007. These had related to the HGV movement restriction being breached (Platt PC); noise, dust, windblown sand and hours of working (Lingfield Road); and mud and debris on the highway in Platt and the A25. These concerns had recently been reported to Regulation Committee. HGV movement 'returns' for the period May to August 2007 had demonstrated that although the limit had been breached, operations were reduced during this period such that they were effectively compliant in August.
24. Mr Body (Borough Green Sand Pits) said that the washing equipment on site enabled vehicles to exit the site in good condition. The problems experienced on the highway in Platt and the A25 arose through vehicles picking up mud on the access road. The operator now had its own sweeper, which was used all day every day during the winter months.
25. Mr Body added that complying with the vehicle movement restrictions had posed difficulties since, in practice, customers just turned up. Borough Green Sandpits had attempted to manage this by fixing the price at a certain level and by restricting some of their customers. Those landfill customers who collected building sand received preferential treatment.
26. Mr Baker (Platt PC) said that he was concerned that both Wrotham School and Platt Primary School could be affected by noise from the site. The latter School was some 100 yards away from the industrial estate on the A25 and had received planning permission to move to a new site.
27. Mr Baker then said that ten years earlier the Park Farm Quarry had sought approval for an extension. They had needed an alternative access. He asked whether this had been due to the higher number of vehicles entering and exiting that site.

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28. Mr Wooldridge replied to Mr Baker by saying that he was not sure of the precise reason for the alternative access but that the intention at the time had been to provide access to Park Farm via Nepicar Quarry and the Clubb site. Mr Wooldridge agreed to address this matter when reporting the applications to Committee.
29. Mrs Hohler asked who owned the three fields and what they were currently being used for; whether the footpath would be fenced and screened; and what proportion of the mineral resource was silica sand. She added that local residents had complained to her about fly tipping in the area.
30. Mr Wooldridge said that the three fields were not all controlled by the applicant. Some of this land belonged to CEMEX and Mid Kent Water. It was currently used as low quality grazing for horses. 50,000 tonnes of silica sand would be extracted out of a total of 736,000 tonnes of sand. The silica sand was seen by the applicant as supplementary to the building sand which was the main product. Hedgerows would be planted north of the diverted footpath, which would be fenced.
31. Mr Lane (Land and Mineral Management Ltd) said that he was unaware of any complaints concerning fly tipping. Mr Body added that the School used the footpath in the field as a running track.
32. Mr Chartres (Tonbridge and Malling BC) asked about the aftercare plan. Mr Wooldridge said that the standard aftercare period was 5 years but that this was something that he intended to look at in more detail before reporting the application to Committee. Mr Wooldridge also referred those present to those areas on the Landscape Restoration Plan which would be completed at an early stage. Other landscaping areas would need to wait upon completion of the workings.
33. Mr Body replied to questions from Mr Maddison by saying that all his customers came from the catchment area as it was the most economic option available to them. The Quarry appeared in the Minerals Development Framework because there was a recognised need for sand to be extracted.
34. Mr Wooldridge said that the question of the need for the development would be addressed in the Committee report.
35. Mr Lane replied to a question from Mr Wood-Brignall by saying that the reserves of silica sand were at the bottom of the quarry. It was naturally cleaner than building sand and was the reason the applicant wanted to excavate to a level of 68m AOD.
36. Mr Body said that silica sand consisted of 99.2% pure silicon. It was used in castings, glass manufacture, drainage and equestrianism. Its price was similar to building sand.
37. Mr Dines (KCC Highways) said that the HGV movements had to be seen as part of an overall figure from the industrial estate. He advised that there should be no increase in the number of permitted vehicles and that there were some concerns about the ability to enforce that figure.

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38. Mr Dines continued by saying that a more sophisticated method of monitoring vehicle movements was required. This could involve using a website to provide a monthly monitoring report whilst enable remote access to the figures for the Planning Authority.
39. Mr Dines then said that traffic volume along the A25 was a highly sensitive local issue, which heightened concern over the access arrangements from the site, particularly when HGVs turned left and encroached onto the wrong side of the road. There was scope for some minor improvements to be made at the junction.
40. Mr Chartres asked whether it would be possible to build some flexibility into the limit on vehicle numbers. He asked whether it might be possible to impose a condition giving an average of 60 vehicles per day. He added that it would make no sense to force HGVs to travel all the way to North Kent simply because they were not permitted to come to their local operation.
41. Mr Lane said that the limit on vehicle numbers had been imposed when the site was subject to the Minerals Review (ROMP) process which was before the landfilling part of the operation had commenced.
42. Mr Wooldridge replied to a question from Mr Wood-Brignall by saying that the limit of 60 vehicles per day applied only to this particular quarry. He also said that the current application sought permission for a continuation of this number and that on this basis the County Council could not impose a higher limit unless the application was to be amended or the applicant subsequently sought some variation of this. He further said that there were no restrictions for other operations in the Industrial Estate except for Park Farm which was limited to 320 per week. The applicant currently counted vehicle movements as they used the weighbridge. New modes of recording were currently being investigated.
43. The Chairman thanked everyone for attending. The notes of the visit would be appended to the report to the determining Committee meeting.
44. Members then inspected the site of the proposed extension, including the location of the proposed topsoil storage bunds and the woodland area between the currently worked site and the proposed northern extension. They also viewed the existing site from a vantage point in the woodland area.

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**APPENDIX 2 TO ITEM C1**

**Planning Policy Context**

**National Planning Policies** – the most relevant National Planning Policies are set out in PPG2 (Green Belts), MPS1 (Planning and Minerals), MPS2 (Controlling and Mitigating the Environmental Effects of Minerals Extraction in England), MPG7 (Reclamation of Mineral Workings), MPG15 (Provision of Silica Sand in England), National and Regional Guidelines for Aggregates Provision in England 2001-2016, PPS10 (Planning for Sustainable Waste Management), PPS23 (Planning and Pollution Control) and Waste Strategy for England 2007.

**Regional Planning Policies** – the most relevant Regional Planning Policies are set out in RPG9 (as amended) and the emerging South East Plan. These include RPG9 Policies E1 (Landscape Quality), E2 (Biodiversity), E3 (Green Belts), E8 (Soil and Land Quality), INF2 (Water Quality and Drainage), M3 (Primary Aggregates), M4 (Other Minerals), M5 (Safeguarding of Mineral Reserves), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W7 (Waste Management Capacity Requirements), W13 (Landfill Requirements) and W17 (Location of Waste Management Facilities) and emerging South East Plan Policies CC10a (Green Belts), NRM1 (Sustainable Water Resources, Groundwater and River Water Quality Management), NRM4 (Conservation and Improvement of Biodiversity), NRM7 (Air Quality), W3 (Regional Self-sufficiency), W4 (Sub-regional Self-sufficiency), W5 (Targets for Diversion from Landfill), W7 (Waste Management capacity Requirements), W13 (Landfill Requirements), W14 (Restoration), W17 (Location of Waste Management Facilities), M2 (Recycled and Secondary Aggregates), M3 (Primary Aggregates), M4 (Other Minerals), M5 (Safeguarding of Mineral Reserves), C2 (Areas of Outstanding Natural Beauty), C3 (Landscape and Countryside Management) and BE7 (Management of the Historic Environment).

**Kent and Medway Structure Plan (September 2006)** – These include Policies SP1 (Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development), SS2 (Extent of the Metropolitan Green Belt), EN1 (Protecting Kent's Countryside), EN3 (Protecting and Enhancing Countryside Character), EN4 (Areas of Outstanding Natural Beauty), EN8 (Protection, Conservation and Enhancement of Biodiversity), EN9 (Trees, Woodland and Hedgerows), QL7 (Archaeological Sites), QL9 (Historic Landscape), QL17 (Rights of Way), TP12 (Development and Access to the Primary / Secondary Road Network), TP15 (Development Traffic & Heavy Good Vehicles), NR5 (Pollution Impacts), NR8 (Water Quality), WM2 (Assessment Criteria for Waste Proposals), WM4 (Planning for Waste Management Capacity), WM5 (Waste Disposal to Land), MN1 (Sources of Minerals Supply), MN3 (Assessment Criteria for Minerals Proposals), MN5 (Provision for Construction Aggregates), MN7 (Silica Sand) and MN12 (Safeguarding of Strategically Important Minerals).

**Kent Minerals and Waste Development Scheme First Review (April 2006)** – sets out the policies in the Kent Minerals and Waste Local Plans that are “saved” pending replacement by the new Kent Minerals and Waste Development Frameworks.

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**Kent Minerals Local Plan: Construction Aggregates (December 1993)** – These include Policies CA6 (Areas of Search), CA7 (Provision of Geological Information), CA8D (Exceptions), CA10 (Mineral Consultation Areas – Safeguarding), CA12 (Silica Sand), CA16 (Traffic), CA18 (Noise, Vibration and Dust), CA19 and CA20 (Plant and Buildings), CA21 (Public Rights of Way), CA22 (Landscaping) and CA23 (Working and Reclamation Schemes).

**Kent Minerals Development Framework Core Minerals Strategy Development Plan Document Submission Document (November 2006)** – These include Policies CMS1 (The Supply of Minerals), CMS2 (The Community, Environment and Natural Resources) and CMS6 (Safeguarding).

**Kent Minerals Development Framework Primary Development Control Policies Development Plan Document Submission Document (November 2006)** – These include Policies MDC1 and MDC2 (Requirements for the Determination of Applications for Planning Permission), MDC3 and MDC4 (Highways & Transport), MDC5 (Public Rights of Way), MDC6 and MDC7 (Water Environment), MDC8 (Ground Stability), MDC9b and MDC9c (Historic Environment), MDC11c (Biodiversity & Geological Conservation), MDC12 (AONB), MDC13 (Landscape Character), MDC14 (Trees, Woodland & Hedgerows), MDC16 (Green Belt), MDC17 (Planning Obligations), MDC18 (Climate Change) MDC19 (Air Quality, Public Health and Pollution Control), MDC20 (Noise), MDC21 (Dust), MDC25 (Operating Hours), MDC26 (Landscaping) and MDC27 and MDC28 (Reclamation and Aftercare).

**Kent Minerals Development Framework Construction Aggregates Development Plan Document Submission Document (November 2006)** – These include Policies CA2 (Local Land Won Resources, Sand and Gravel), CA4 (Local Land Won Resources, Building Sand) CA8 (Local Land Won Resources, Other Proposals), CA11 and CA12 (Safeguarding), Appendices 3 and 5 and Proposals Map Inset S.

**Kent Waste Local Plan (1998)** – These include Policies W6 (Need), W12 (Landfill of Mineral Voids), W18 (Noise, Dust and Odour), W19 (Groundwater), W20 (Unstable Land, Land Drainage and Flood Control), W21 (Nature Conservation), W22 (Road Traffic and Access), W25 (Plant and Buildings), W27 (Public Rights of Way), W31 (Visual Impact and Landscaping) and W32 (Aftercare).

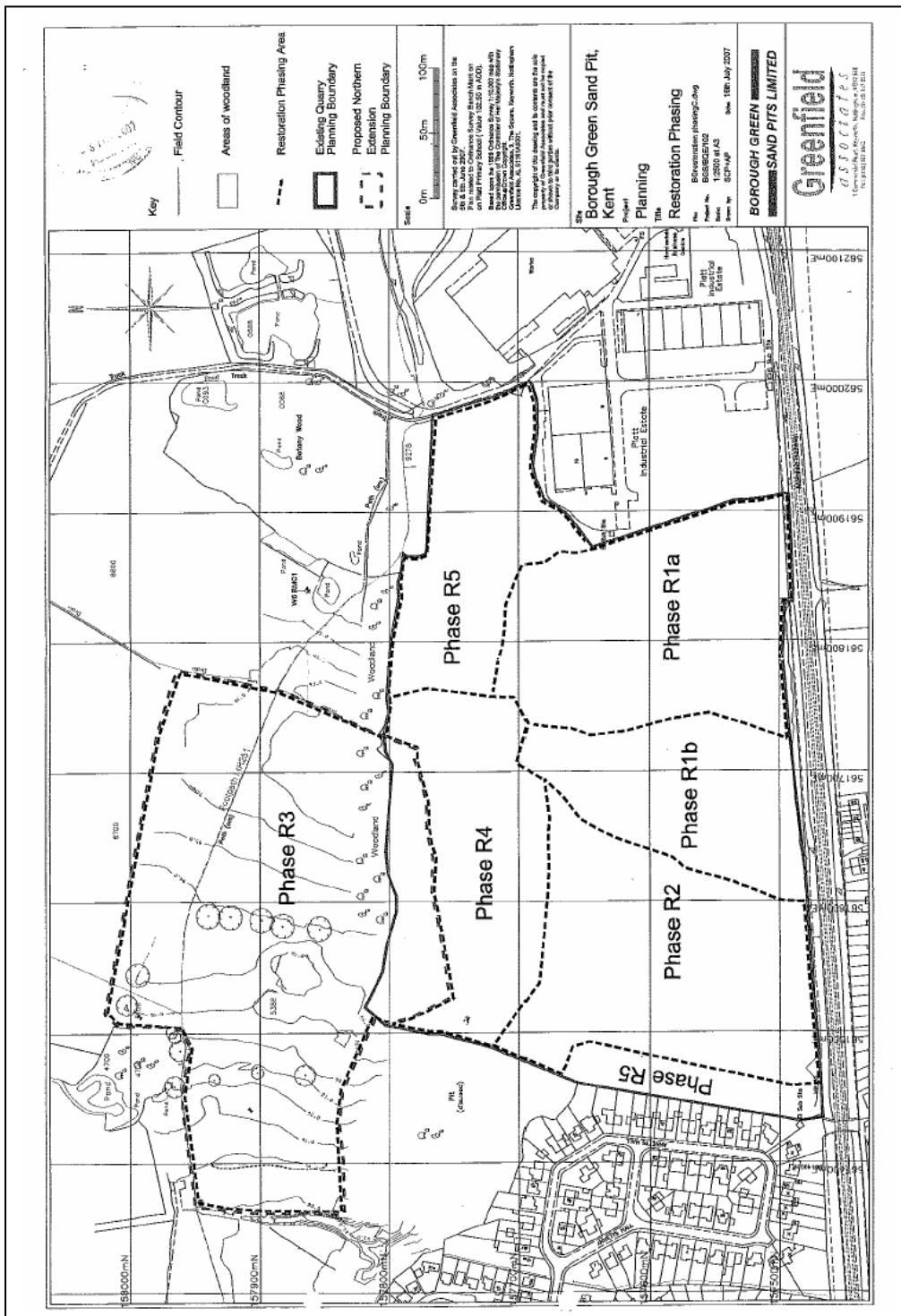
**Tonbridge and Malling Borough Local Plan (December 1998)** – Identifies that the application site is in the Metropolitan Green Belt and is adjacent to the North Downs AONB.

**Tonbridge and Malling Borough Council Local Development Framework Core Strategy (25 September 2007)** – These include Policies CP3 (Green Belt), CP7 (AONB), CP12 (a) Borough Green (Rural Service Centres).

**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

**APPENDIX 3 TO ITEM C1**

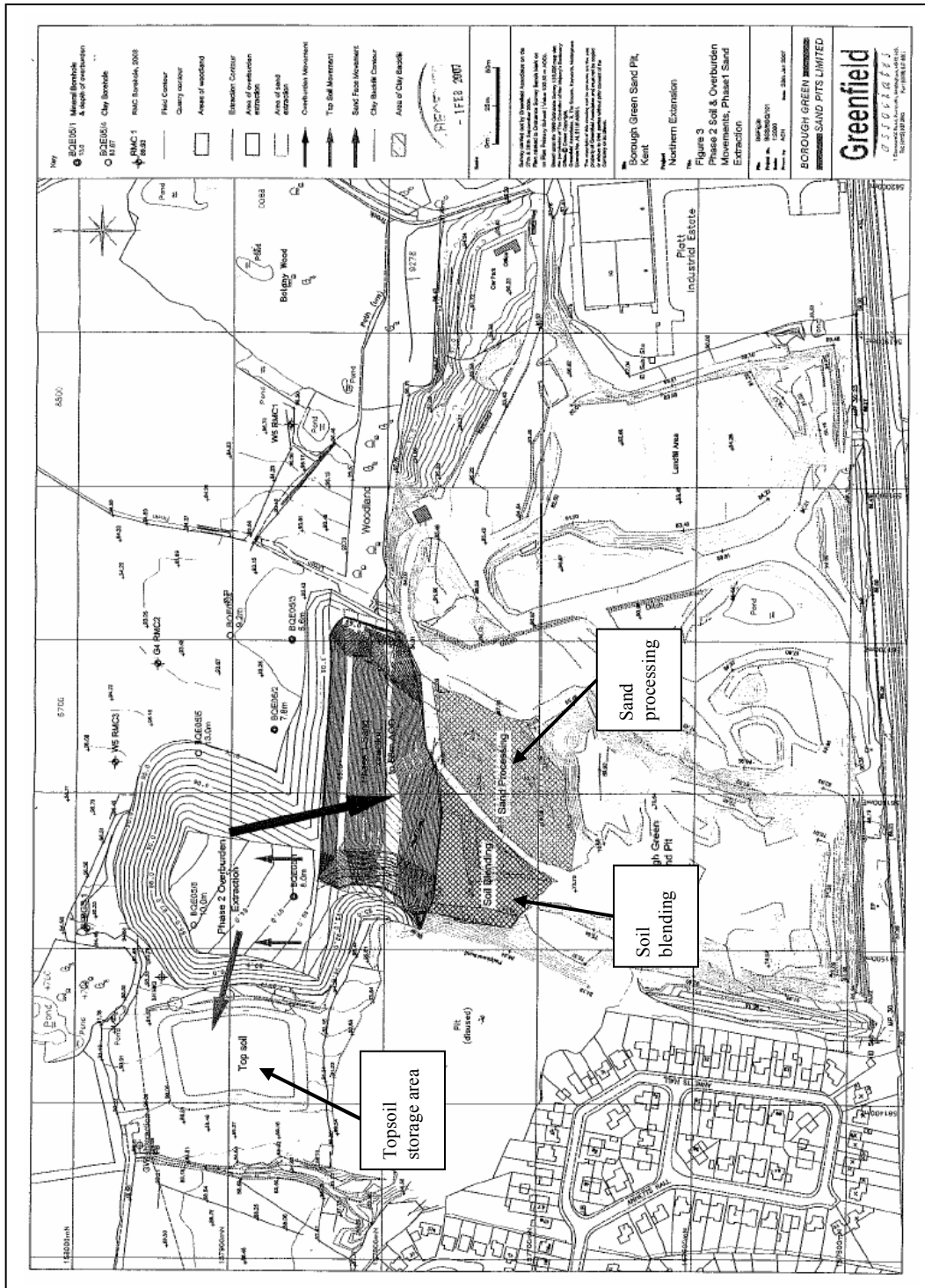
**Proposed phasing of the existing site and proposed northern extension and the existing public footpath**



**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

**APPENDIX 4 TO ITEM C1**

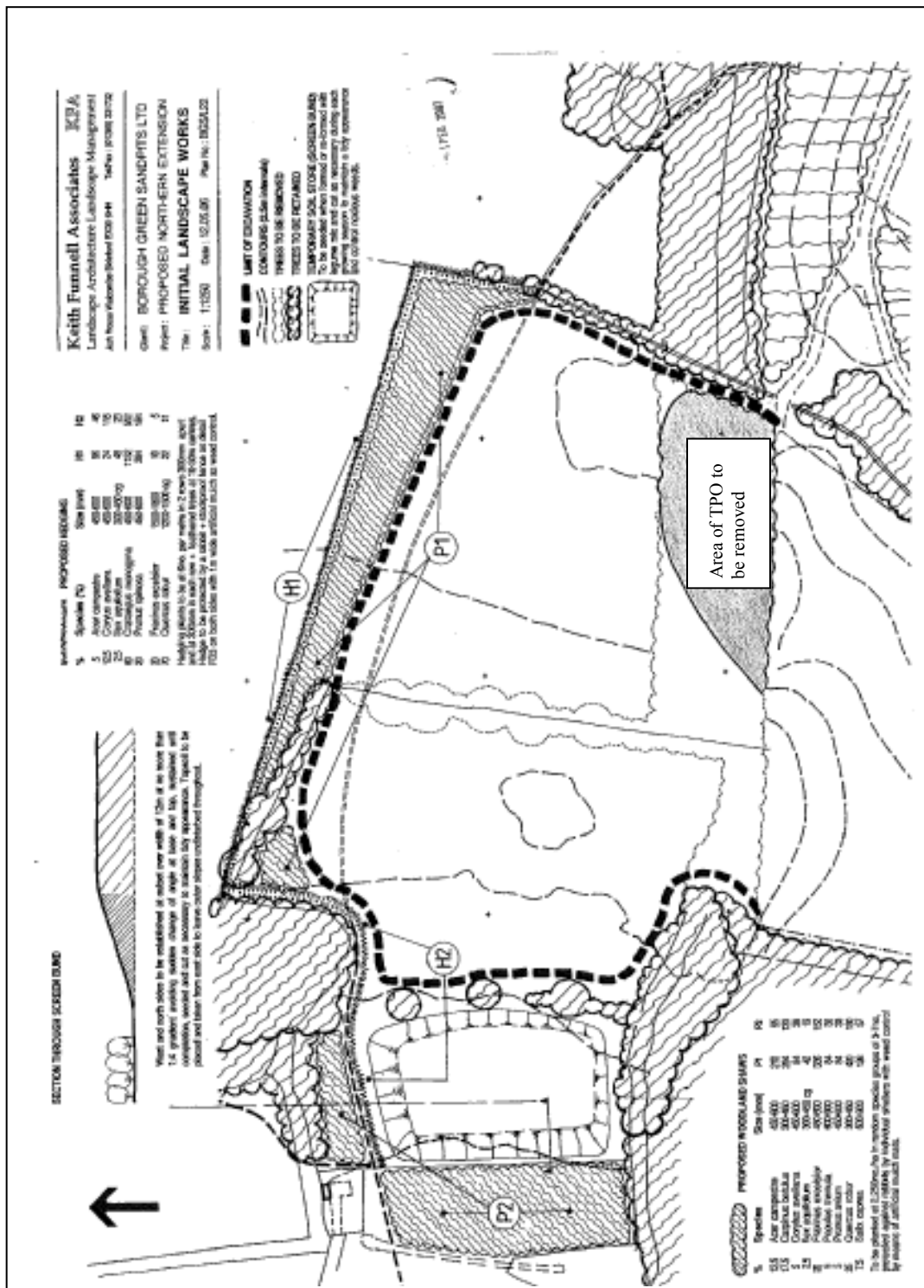
Proposed locations of the sand processing, soil blending and topsoil storage areas



**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

**APPENDIX 5 TO ITEM C1**

**Proposed initial landscaping works, trees to be retained and removed and footpath diversion**

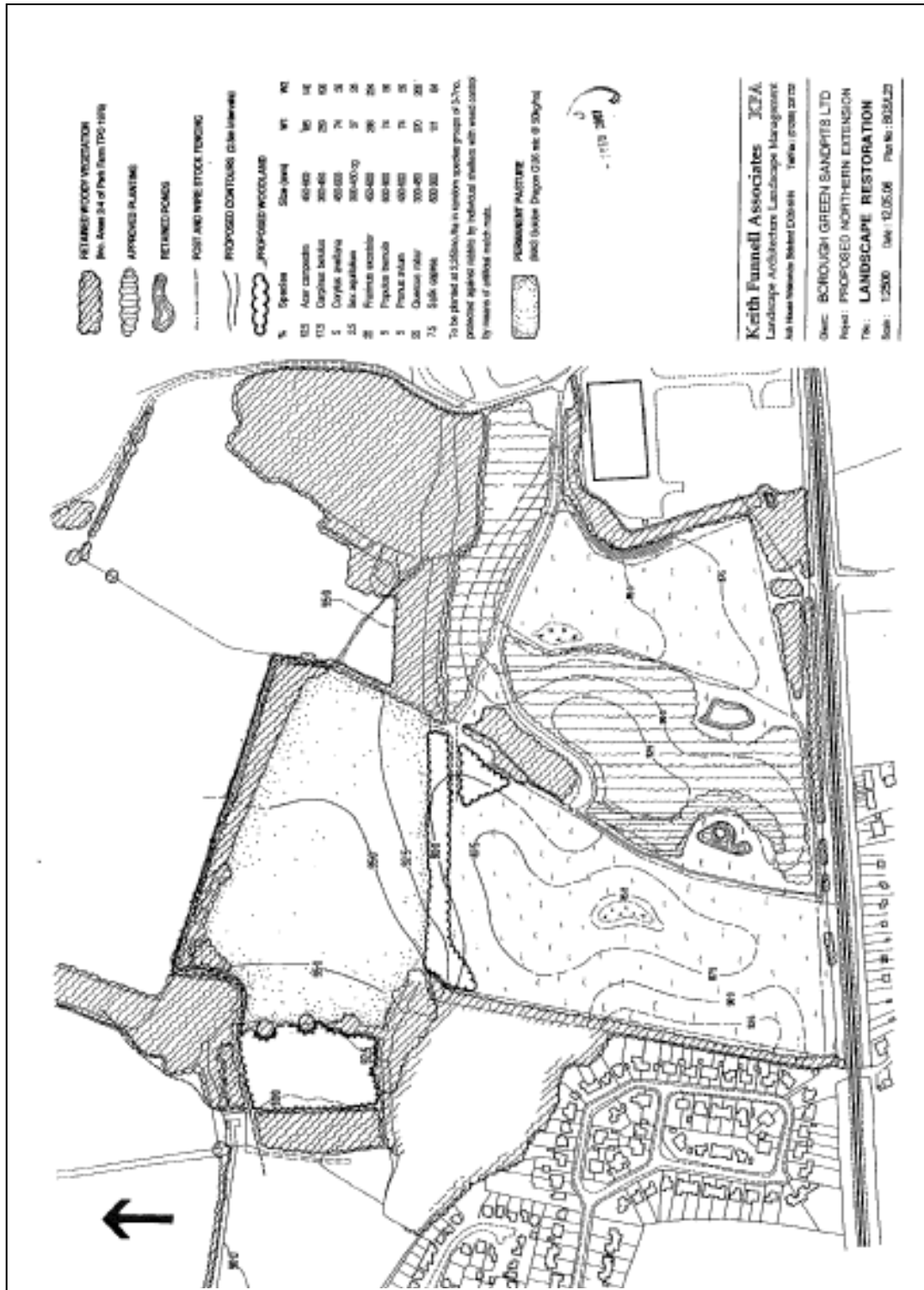




**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

**APPENDIX 6 TO ITEM C1**

**Proposed landscape restoration plan for existing site and northern extension area**



**Applications for: (i) northern extension of existing quarry (TM/07/512); (ii) additional time for duration of soil blending (TM/07/3101); & (iii) additional time for sand extraction and restoration by backfilling (TM/07/3100) at Borough Green Sand Pit, Platt Industrial Estate, St Mary's Platt, Borough Green, Kent**

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**APPENDIX 7 TO ITEM C1**

**Heads of Terms for S106 Agreement**

**Excluding clause 1, all to be effective only if planning permission is implemented**

The applicant / landowner(s) shall covenant:-

1. to pay KCC upon execution of the S106 Agreement all of KCC's reasonable and proper legal costs for the preparation and completion of the S106 Agreement;
2. to implement proposals within highway land to improve the kerb radius for left turning vehicles from the industrial site access road onto the A25 (*as identified on a drawing to be prepared*) and improve the safety of pedestrians crossing the access road within 12 months of the date of any planning permission that may be granted for a northern extension to the site and to enter all necessary legal agreements with the Local Highway Authority and pay all the Council's reasonable and proper legal costs incurred in the preparation and conclusion of these agreements;
3. to pay all KCC's reasonable and proper legal, administrative and other costs associated with a footpath diversion application that shall be made for Footpath MR251 under the Town & Country Planning Act for the route illustrated indicatively on Plan Number BGS/L22 titled "Initial Landscape Works" dated 12 May 2006 or any amendment to this that may be approved pursuant to a condition attached to any planning permission that may be granted for a northern extension to the site;
4. to indemnify KCC for any costs that it may incur in relation to the footpath diversion process (including any potential appeal costs if the footpath diversion order were to go to public inquiry);
5. to undertake or allow (as appropriate) the groundwater monitoring referred to in the Code of Safe Operating Practice and adhere to all other elements of the Code (*copy to be attached to the S106 Agreement*);
6. to maintain and manage the landscape planting proposals shown indicatively on Plan Numbers BGS/L22 titled "Initial Landscape Works" (dated 12 May 2006) and BGS/L23 titled "Landscape Restoration" (dated 12 May 2006) for a period of no less than 10 years beyond the satisfactory signing-off by KCC of the last landscape / aftercare requirement imposed by planning condition in accordance with a scheme which shall first be approved in detail by the County Planning Authority pursuant to a condition attached to any planning permission that may be granted for a northern extension to the site.

KCC shall covenant:-

7. To process the footpath diversion order as expeditiously as possible.

**Item C2****SH/06/1219 – ALLENS BANK, OFF DENNES LANE, LYDD.**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Planning application SH/06/1219: Proposed Variation of Conditions (2), (3) and (13) and deletion of Condition (15) of Planning Permission SH/98/322 for the Extraction of Sand and Gravel, Allens bank, Off Dennes Lane, Lydd, Kent. Brett Aggregates Limited.  
( MR. TQ 044217 )

Recommendation: Permission be Granted

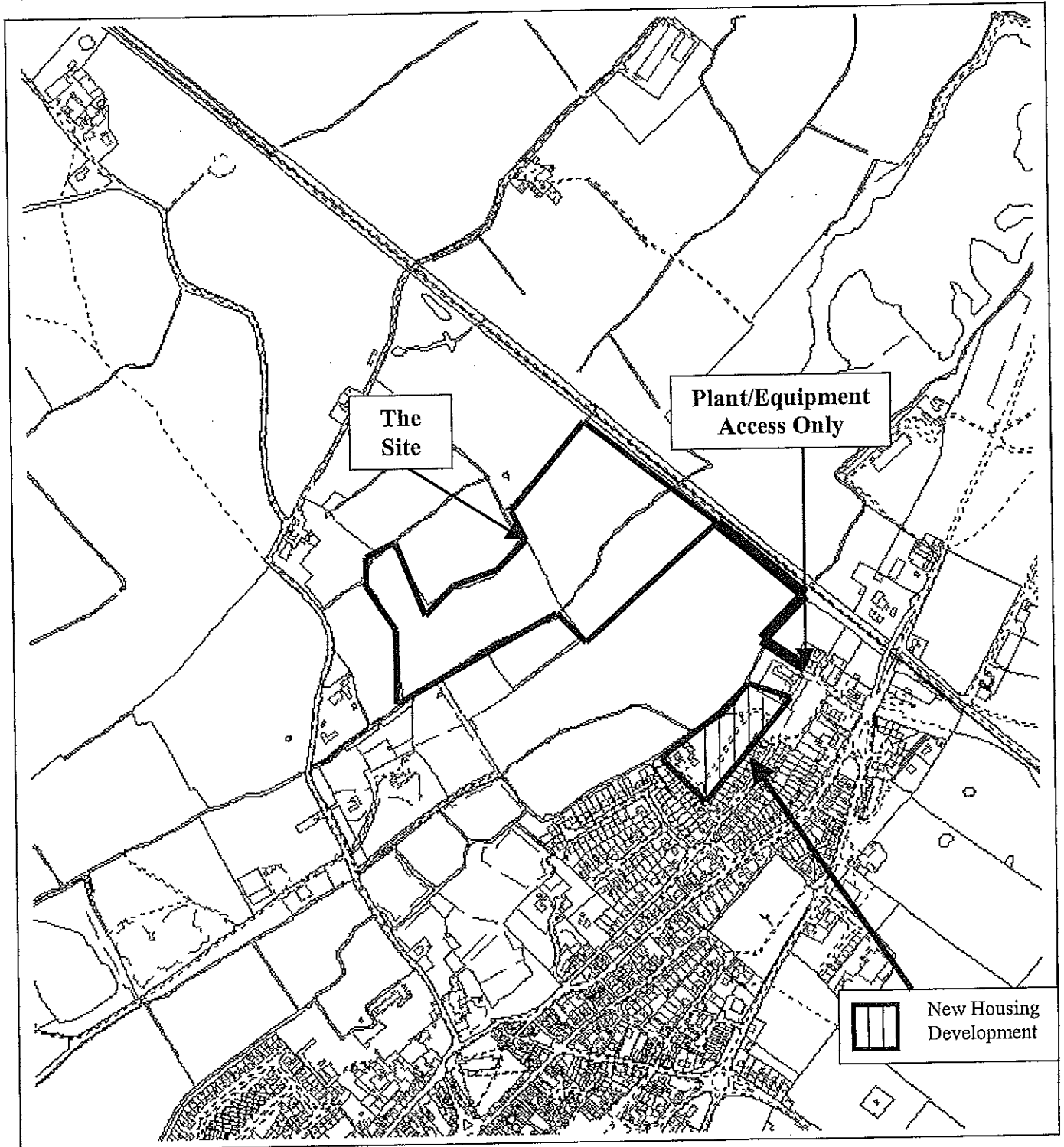
Local Member: Mr F. Wood-Brignall

Classification: Unrestricted

**Site Description and Background**

1. The application relates to a site which covers an area of some 10.6 hectares and lies on the northern outskirts of the Town of Lydd. Its north eastern boundary adjoins the Appledore to Dungeness railway line. The site falls within an area of search for sand and gravel as identified in the saved policies of the Kent Minerals Local Plan for Construction. The site also falls within the Dungeness, Romney Marsh and Rye Bay SSSI.
2. The area currently consists of a number of separate fields all of which, with the exception of a small area in the northern section are down to pasture. It is generally flat with a series of shingle ridges rising slightly above the level of the surrounding land.
3. The nearest concentration of housing lies approximately 230 metres to the south of the site.
4. In August 1999 permission was granted ref: SH/98/322 for the extraction of some 700,000 tonnes of sand and gravel from the site together with its processing, for delivery to the Channel Tunnel Rail Link (CTRL) by rail, and restoration back to grazing land using inert waste materials imported by rail.
5. In July 2004 just prior to when the permission was due to expire Bretts confirmed that, following soil stripping together with associated archaeological investigations of the disturbed area, they had commenced gravel extraction and created a small stockpile of material on site, albeit no materials were exported off the site. In their opinion this constituted the formal implementation of the permission. However, contrary to this view, the County Council were of the opinion that in the absence of having satisfactorily demonstrated the operations were specifically in connection with the CTRL they did not constitute a legal commencement. Consequently the County Council served an Enforcement Notice on Bretts on the grounds that the extraction of minerals had taken place without the benefit of planning permission and required the site to be reinstated.

SH/06/1219 - ALLENS BANK, OFF DENNES LANE, LYDD.



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6. Bretts appealed against the Enforcement Notice and following a Public Enquiry their appeal was subsequently upheld. This was on the basis that notwithstanding the description of the original application as set out under the planning permission, which included specific reference to the use of the materials solely for the CTRL, the decision notice itself did not place any such restrictions other than those specifically referred to by condition, requiring the applicant to demonstrate that the operations which had taken place were in connection with the CTRL. It was therefore held that the extraction and stockpiling of materials on site had legally implemented the permission.
7. As a result of the appeal decision Lydd Town Council formally requested that the County Council lodge an appeal in the High Court against the Inspectors decision on the grounds that the site was no longer needed in order to supply materials to the CTRL, on the basis that this project was by then nearing completion. Given that such action would have involved significant costs including those being awarded against this authority on behalf of the defendant in the event that such action was unsuccessful, the County Council sought Counsel's opinion. Counsel advised that an application to the court would have no more than an even chance of success. The matter was subsequently referred to a Panel meeting of the Regulation Committee who, having regard to Counsel's advice decided not to challenge the appeal decision.
8. Having been legally implemented, albeit to date no materials have been removed off site, the site therefore has the benefit of an existing permission together with associated conditions. These include;
  - a requirement for the development to be carried out strictly in accordance with the application details ( condition (2) )
  - extraction to be completed within two years of the commencement of the development i.e. by 6 July 2006 ( condition (3) )
  - the site to be restored within a further three years in accordance with the approved restoration scheme ( condition (13) )
  - minerals extracted to only be used in connection with construction works associated with the CTRL ( condition (15) ).

**Proposal**

9. Bretts have formally applied to vary conditions (2), (3) and (13) of their current planning permission ref.SH/98/322 and for the deletion of condition (15) such that;
  - (a) It is no longer proposed that deliveries would be made 'solely to the CTRL' enabling them to serve other markets at any rail connected depot.

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- (b) Extraction would not be completed within two years but over a longer period of 10 Years.
- (c) The approved method of working would be amended to follow the principles associated with mineral extraction and restoration employed uniquely at their site at Deanary Farm, Chartham whereby one parcel of land must be completed before extraction from the next phase can commence. Provision is made under the amended scheme for the site to be worked annually over 10 separate phases each covering less than 1 hectare which would be progressively backfilled and restored as extraction progresses in each successive phase.

*(N.B. Before this application was formally validated I sought Counsel's opinion on the manner in which it had been submitted, given that my initial view was that what was proposed represented a fundamental departure from what was permitted which had previously been predicated on the basis of a site dedicated to serving a specific project. Therefore it could not be treated as a variation to the existing permission but would need to be the subject of a full application. However, contrary to this view Counsel advised that the court would be unlikely to conclude that Bretts application to vary the terms of the existing consent as proposed constitutes a fundamental alteration to the existing permission but a proposed change to the conduct of the permitted use of the land. Accordingly the County Council was advised to validate and formally determine the application as it stands).*

10. In support of their application which was submitted prior to the expiration of the two year period for completing extraction, Bretts refer to previous Minerals Planning Guidance Note MPG2 where it stated under paragraph C4 of Annex C that ' where permission for mineral working becomes time expired and workable deposits remain, an application for its renewal should be considered in the normal way but it is expected that such an application would normally be granted unless there has been a material change of planning circumstances since the expiring permission was granted.' Within this context the company, in support of their application, have identified what they consider are three key changes of planning circumstances since the permission was originally granted, against each of which they have assessed whether what is now proposed would represent a material change of use to the permitted site.
11. Firstly Bretts argue that the date currently set under condition (3) of their existing permission by which the site to has to have been worked and restored must now be varied in order to allow the continuation of the currently authorised operations. In their view delays have previously been incurred partly as a direct result of having to await the outcome of the enforcement action taken by the County Council. This has meant that no operations could take place until the appeal decision was issued. This in turn has made it no longer feasible to supply materials under contract to the CTRL given that the project has now been completed and supplies of aggregate are no longer required. Accordingly new outlets must be served if the benefits associated with the supply of high quality sand and gravel from the site by rail are to be realised. Bretts have identified their existing rail aggregate depot at Sevington in Ashford as one such location which was originally the planned destination for the delivery of aggregates for use in the CTRL. The site at Sevington is also currently the

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subject of two applications for the expansion and permanent retention of the existing aggregate depot along with proposals to develop an associated waste transfer/recycling facility.

12. Bretts also point to what they consider is an unreasonable period over which the site is currently required to be worked and restored, notwithstanding that the current period set is consistent with the principles established in Kent Minerals Local Plan requiring quarrying operations in the area to take place within a short timescale, as originally recommended in the inspectors report following the Local Plan Inquiry. Whilst in his report the Inspector held the view that the sites identified to the north of Lydd were relatively small and which could therefore be worked within the space of one or two years, Bretts argue at that time the site identified at Allens Bank extended to some 23.5 hectares (58 acres) containing as much as 1.8 million tonnes of material. In their view, based on the 2003 Aggregates Monitoring Report the deposit at Allens Bank was of a magnitude sufficient to supply the whole of the County's flint gravel requirements for almost two years. Bretts therefore assert that it is clear the Inspector did not at that stage consider the possibility that the deposit would be worked in connection with a single high demand project such as the CTRL, and could only have assumed that the site would be worked as a progression to the nearby site at Whitehall Farm, where historically the quarry had produced in the region of 125,000 tonnes of gravel per annum. The company hold the view therefore that the current requirement for the land to be worked over a short timescale must take account of the amount of material to be worked combined with the amount of land that would be out of agricultural use at any one time. In their opinion the operating principles that would be adopted as proposed in their current application which makes provision for the progressive working and restoration of the site over a number of relatively small individual phase is not in conflict with the Kent Minerals Local Plan neither would it involve a material change of use to what is already permitted.
13. With regard to the currently permitted end use of the materials, the only restriction on their destination is provided for under condition (15) which requires that they shall be used solely in connection with construction works associated with the CTRL. Bretts point out that whilst in the original application it was the intention for materials to be delivered to their site at Sevington for use in the CTRL, Sevington remains in their control and is identified in the Kent Minerals Local Plan as a site needing to be safeguarded in the longer term for such use. The site is also identified in the Kent Waste Local Plan as being suitable in principle for a waste recycling facility. Therefore if the County Council is minded to grant permission in respect of the two current applications to retain and expand Sevington, not only will this provide a long term facility for the delivery of aggregates but also one from where the inert waste materials required to backfill Allens Bank can be delivered.
14. In support of their request to be allowed to deliver materials for uses other than the CTRL, Bretts make reference to previous case law which provides legal authority in relation to the general principle that in judging the character of the use of land in accordance with the general planning implications of a proposal, what happens off site to the aggregates once they have been extracted and then exported from the site is irrelevant. Hence in seeking to continue mineral extraction without complying with condition (15) of the current permission,

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it is Bretts view that no material change of use of the land will take place.

15. In the context of the above, Bretts conclude that whilst there have been material changes in 'planning circumstances' to warrant the proposed alterations to the existing permission, none would represent a material change in the use of the land itself.
16. Earlier in February this year a group of Members visited the site. Representatives were also present from Shepway District Council and Lydd Town Council together with representatives who spoke on behalf of the applicant. A note of the meeting is attached under Appendix 1.

**National and Regional Policy Context**

17. Minerals Policy Statement 1 (MPS 1), 'Planning and Minerals' gives recognition to the essential role minerals play to the nation's prosperity and quality of life and the need therefore to ensure an adequate supply of material to provide the infrastructure, buildings and goods that society, industry and the economy needs. With this principle in mind it advises that minerals planning should therefore aim to provide a framework for meeting such needs whilst seeking to avoid any detrimental effects on the environment through appropriate mitigation. Annex 1 of MPS 1 contains advice on how the need for aggregates should be met, particularly through the provision of landbanks, where Mineral Planning Authorities should aim to ensure a release of permissions sufficient in the case of sand and gravel, to ensure a landbank of at least 7 years.
18. MPS 2, 'Controlling and Mitigating the Environmental Effects of Minerals Extraction in England' replaces in part Minerals Planning Guidance Note 2 (MPG 2) in relation to the consideration to be given to impacts from noise and dust. It also advises MPAs on the consideration to be given in respect of the proximity of mineral workings to communities where they must ensure that adequate mitigation measures can be satisfactorily employed in order to safeguard the quality of the local environment, as experienced by neighbouring communities. In particular it recognises that the duration of operations can be a significant factor in determining the appropriate levels of control and mitigation, where some sand and gravel workings, given their relatively shallow deposits may be completed and restored within a few years whereas a clay pit or a quarry producing aggregates or building stone may be operational for many years. In this context the programme of work and/or the location of plant within the mineral working should take account of the proximity to occupied properties, as well as legitimate operational considerations. A programme of work should be agreed which takes account, as far as is practicable, of the potential impacts on the local community over the expected duration of operations.
19. Regional Planning Guidance for the South East (RPG 9) (as amended) and the emerging South East Plan seek to encourage the development of construction practices with the long term aspiration that annual consumption of primary aggregates will not grow from the 2016 level in the subsequent years (Policy M1). In order to help meet the objectives of Policy M1 the use of secondary and recycled aggregates should be increased (Policy M2). Mineral Planning Authorities should plan to maintain a landbank of at least 7 years of planning



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permissions for land-won sand and gravel which is sufficient, throughout the Mineral Plan period, to deliver 13.25 million tonnes (mt) of sand and gravel across the region, with the kent/Medway apportionment amounting to some 2.53mtpa.

20. National Policy is therefore to increase the use of secondary aggregates and recycled materials together with a corresponding decrease in the use of primary aggregates to the extent that by 2016 (at the end of the plan period) the growth in the annual consumption of primary aggregates as currently experienced will stabilise.

**Kent and Medway Structure Plan**

21. Consistent with the objectives of regional and national guidance the strategy for minerals is to maximise the use of secondary and recycled materials whilst maintaining continuity of supply and at the same time avoiding any unacceptable environmental impacts.

**Policy MN1:** seeks to maintain sources of supply.

**Policy MN2:** encourages the use of secondary/recycled aggregates.

**Policy MN3:** sets out the assessment criteria against which the potential impacts from minerals development should be considered.

**Policy MN5:** seeks to ensure the supply of aggregates is sufficient to meet national, regional and local needs including the maintenance of at least a 7 year landbank at the agreed regional apportioned levels until the end of the plan period.

**Saved Policies of the Kent Minerals Local Plan for Construction Aggregates**

**Policy CA6:** gives preference to sites within areas of search provided there is a satisfactory case of need and no unacceptable environmental impacts.

**Policy CA16:** requires that adequate access to the site can be obtained

**Policy CA18:** requires that noise, dust and vibration can be satisfactorily controlled.

**Policy CA22:** requires that measures are incorporated to ensure the site is properly restored to assist its merging back into the surrounding landscape.

**Policy CA23:** requires that a satisfactory working and restoration scheme form an integral part of the proposal.

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**The Core Mineral Strategy Development Plan Document  
Primary Mineral Development Control Policies Development Plan Document  
Construction Aggregates Development Plan Document**

22. In November 2006 following pre-submission public participation with the community and other stakeholders on the preferred options the County Council formally submitted these documents to the Secretary of State for independent examination. Once adopted the documents, which constitute Development Plan Documents ( DPD'S ) will form the Kent Minerals Development Plan. Their policies seek to develop the Government's objectives for minerals planning. As these documents progress towards formal adoption the extent to which their policies represent a material consideration will gain in weight.
23. Of particular relevance to the application Policy CA9 of the Construction Aggregates DPD makes specific reference to the application site insofar as it recognises this relates to an existing sand and gravel planning permission for construction aggregates and which will therefore need to be protected from development that would prejudice its continued operation.

**Consultations**

24. **Shepway District Council:** No objection in principle given that the Council has accepted that this site is suitable for gravel extraction and provided the County Council is satisfied that there is a strong economic necessity for Working the site. Requests that consideration be given to reducing the period for completing operations in order to reduce any long term impacts on the community.

**Kent Highway Services:** No objection

**County Archaeologist** No objection

**Jacobs ( landscape ):** No objection

**SEERA:** No comments

**Environment Agency:** No objection

**Natural England:** No objection in principle subject to the imposition of appropriate (Nature Conservation) conditions to safeguard and protect as far as possible the scientific interests of the site including a requirement for the site to be restored to acid grassland.

**Natural England:** No objection subject to the satisfactory handling of soils in order

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(Agriculture ) to safeguard their integrity

**NATS:** No objection  
(Airfield Safeguarding)

**EDF:** No objection subject to access being made available to them to maintain their high voltage overhead power cables which cross the site

**Network Rail:** No objection subject to the prior agreement of tree species to be planted when the site is finally landscaped

**Lydd Town Council:** Raise objection on the grounds that there is no longer a requirement to supply materials to the CTRL, unacceptable impacts on the nearby residents of Megan Close/The Poplars, increase in lorry traffic, risk of flooding, adverse impact on agriculture and site of scientific interest

**Kent Wildlife Trust:** Raise objections on the grounds that in the absence of a need to supply material to the CTRL the application has to be considered against the general principle as to whether mineral extraction and processing at this site is acceptable, and therefore should be tested against the considerations set out under existing national, regional and development plan policy along with emerging guidance. In this context no evaluation has been undertaken of the impacts on nature conservation which currently appears to conflict with policy guidance

### **Local Member**

25. The Local Member Mr Fred Wood-Brignall was notified of the application on 12 September 2006. To date I have received no written comments from him.

### **Representations**

26. The application was advertised in the local press and notices posted on site. In addition I also wrote to the occupiers of some 136 properties most directly affected by the proposal. As a result I have to date received 22 letters of objection including one from the local MP. Their grounds for raising objection include;

- Traffic Impacts
- Detrimental Impacts from noise and dust
- Adverse impacts on nature conservation
- Increased risk from flooding
- No need in the absence of a requirement to supply materials to the CTRL

### **Discussion**

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27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
28. The application has been made pursuant to Section 73 of the Town and Country Planning Act 1990 which provides for a different procedure from that applying to applications for full planning permission , and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted. This therefore allows for them;
- to grant permission in accordance with what has been applied for,
  - grant permission subject to conditions differing from those subject to which the previous permission was granted or,
  - if they decide that permission should be granted subject to the same conditions as those subject to which the previous permission was granted, to refuse the application.

The scope of a local planning authority's jurisdiction when considering an application under Section 73 is, in principle, therefore more limited than when considering an application for full permission.

29. Having regard to the scope of the County Council's jurisdiction when formally considering this application in the context of the limitations as referred to in paragraph (28) above, in my opinion the main determining issue is the extent to which the proposed variations to the existing permission for sand and gravel extraction granted under ref. SH/98/322 would result in any additional impacts above those already considered to be acceptable in principle where conditions have previously been imposed in order to ensure operations do not result in any unacceptable adverse impacts.
30. Prior to when planning permission was first granted , the area was originally identified in the Kent Minerals Local Plan for Construction Aggregates as being suitable in principle for the extraction of sand and gravel, on which it was therefore expected applications would come forward. As mentioned in paragraph (23) above, the site has since been identified under policy CA9 in the more recently published Construction Aggregates DPD as an existing sand and gravel working needing to be safeguarded from any future development that may prejudice operations at this site.
31. With the exception of the market end use of the material, in principle the site would be worked in accordance with the existing permission insofar as working and restoration would progressively take place over separate phases, albeit over a longer period of 10 years as opposed to the 5 years currently permitted. Most fundamentally in my view, all materials would be transported off site and inert restoration materials imported by rail, thus avoiding the generation of heavy goods vehicles along the local road network. Members may recall at their meeting of the Planning Applications Committee held in February this year when they considered two applications by Bretts for the redevelopment and permanent retention

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of their existing rail aggregate depot at Sevington along with proposals to develop an associated waste transfer/recycling facility. The site at Sevington is located to the south east of Ashford, adjacent to the A2070 Southern Orbital Road south of junction 10 of the M20 Motorway. In resolving to grant permission, Members were mindful of the strategic importance of the site, particularly in respect of being able to provide a means by which the demand for construction aggregates for the planned future growth of Ashford could be met. In my opinion there are sound planning reasons for allowing an opportunity to use some or all of the high quality materials at Allens Bank to meet this future demand, which has a direct link to Sevington by rail. Bretts also have a Marine Aggregate Wharf at Cliffe where they import sea dredged aggregates. The quality of the material imported to this site varies, with some loads containing a relatively high percentage of silt and sand which has to be washed and then blended with aggregates before it can be marketed for construction purposes. Material from Allens Bank could therefore also be taken by rail to the site at Cliffe from where a significant volume of processed material is already sold into the Kent Market, including Ashford.

32. Whilst the application seeks to increase the timescale for completing operations from 5 to 10 years, amendments to the working scheme make provision for the site to be progressively worked and restored over 10 separate phases each of less than 1 hectare. This would result in a relatively limited area of the site being left open at any one time and in my opinion would help reduce the impact of operations in the locality during the period over which the site would be worked. I am mindful that this method of working has previously been successfully employed at Bretts' site at Deanary Farm Chartham, and which helped mitigate any adverse impacts on nearby housing, some of which were more proximate than the nearest housing at Allens Bank. With regard to a more rapid approach being adopted than currently proposed to work the site as advocated by Shepway District Council, in my view this would not be practical given the relatively restricted areas available to store large volumes of material either on site or at the destinations intended for the material. If such storage were to occur at the site itself, this would be visually intrusive in what is a relatively flat landscape and would compromise the overall objectives of the currently proposed method of working to keep the impact from operations to a minimum. In conclusion therefore, whilst increasing the duration of operations from 5 to 10 years would double that currently permitted, compared to quarry operations elsewhere in the locality and in other parts of the county including those operated by Bretts, in my opinion 10 years would still be of a relative short duration for a quarry site. In this context it would not therefore be inconsistent with the general principles establish in the Kent Minerals Local Plan in respect of the need to undertake operations in this area over a relatively short period of time. In my opinion the proposed increase in the duration of operations above that currently permitted is acceptable, especially when weighed against the benefits that would derive from the proposed low key method of working.
33. Of the other objections raised in relation to noise, dust and increased risk from flooding, these include those from the occupiers of properties shown on the site plan as new housing development, which was formally the site of a caravan park. Whilst these properties do not yet appear on the ordnance survey base they were nevertheless present at the time during which the original planning application for sand and gravel extraction was being considered

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and where, in determining the application it was felt, subject to the imposition of appropriate conditions, that permission should be granted.

34. Those Members who attended the site visit earlier in February may recall they viewed the application site from along the site access which has been created to allow plant and equipment to enter along with quarrying staff. From this position they were able to see the rear gardens of the nearest housing, which are some 230 metres from the site boundary. As a means of helping to reduce any adverse impacts it is proposed that topsoils stripped from the site would be used to create a 2-3 metre high bund along the southern site boundary which faces on to the nearest properties. In my opinion this, together with the conditions which would continue to apply on the existing permission will ensure operations do not cause any unacceptable impact on the local environment.
35. Concerns have also been raised over the adverse impacts on the Dungeness, Romney Marsh and Rye Harbour SSSI designated by Natural England earlier this year, within which the application site falls. Allens Bank is included as part of this designation because of its geomorphological interest. In their formal response on Bretts' application, whilst Natural England have raised no objections in principal in recognition that permission for gravel extraction from the site already existed at the time of their SSSI designation, they have requested should permission be granted that a condition be imposed requiring details of the proposed species mix in respect of the intention for site to be restored to acid grassland.
36. Finally, whilst for the reasons set out under paragraphs (28) and (29), it is not strictly relevant to consider the question of need in the context of the County's landbank requirement, I am mindful nonetheless that the volume of reserves of sand and gravel currently permitted is likely to be above the minimum required to maintain a landbank of at least 7 years. It should be noted however that this figure is a minimum that should be maintained in accordance with both national and regional guidance and is also a requirement under Policy MN3 of the Kent and Medway Structure Plan. It does not therefore represent an upper ceiling and provided proposals do not give rise to any unacceptable impacts and are consistent with other development plan policies permission need not be withheld unless other material considerations indicate otherwise.

**Conclusion**

37. In conclusion notwithstanding the objections that have been raised, in my opinion there are sound planning reasons for permission to be granted, which in strategic terms would provide an opportunity for a significant volume of high quality reserves to be worked and transported off site by rail in order to meet a future wider county demand for aggregates. I am satisfied that with the imposition of appropriate conditions the site can be worked in a manner which will ensure no adverse impacts on the local environment. Accordingly I recommend that permission be granted.

**SH/06/1219 – ALLENS BANK, OFF DENNES LANE, LYDD.**

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**Recommendation**

38. I **RECOMMEND** that **PERMISSION BE GRANTED** to vary conditions (2), (3) and (13) and to delete condition (15) of Planing Permission Ref. SH/98/322 such that;

- (a) Extraction of sand and gravel from the site would take place over a period of 10 years
- (b) The Scheme of Working provides for extraction to take place over 10 separate phases together with their progressive restoration upon the completion of extraction in each successive phase using imported inert waste materials
- (c) There is no restriction on where the extracted materials are subsequently exported

**SUBJECT TO** the following conditions;

- (1) The progressive working and restoration of the site shall be carried out strictly in accordance with the application details as indicated on drawing no. AB/200 rev A. submitted with the letter from Davies Planning dated 30 March 2007.
- (2) Within 10 years from the date of the recommencement of sand extraction, operations shall cease and the site shall be restored within a further 12 months in accordance with the ' Further Revised Restoration & Landscape Assessment' undertaken on behalf of Brett Aggregates Ltd by Keith Funnell Associates dated February 2007 which accompanied the letter from Davies Planning dated 30 March 2007.
- (3) Written notice shall be given to the County Planning Authority at least 14 days prior to the recommencement of sand extraction at the site.
- (4) Within 3 months from the date of this permission details of the proposed treeplanting and seed mixes including those areas of the site to be reinstated as acid grassland shall be submitted to the County Planning Authority for approval

Informatives;

- (a) Attention is drawn to the requirements of EDF Energy, Natural England and Network Rail as set out in their letters attached to this permission.
- (b) All other conditions imposed on Planning Permission Ref. SH/98/322 remain in effect.

Case Officer: Mike Clifton
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Background Documents - see section heading
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**APPLICATION SH/06/1219 – VARIATION OF PERMISSION TO EXTEND THE DURATION OF OPERATIONS AND ALLOW MATERIALS TO BE SOLD ON THE OPEN MARKET AT ALLANS BANK, OFF DENNES LANE, LYDD**

NOTES of a Planning Applications Committee Members' site meeting at Allens Bank, Lydd on Thursday, 1 February 2007.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J A Davies, Mr J B O Fullarton, Mrs E Green, Mrs S V Hohler, Mr S J G Koowaree, Mr J F London, Mr T A Maddison and Mr R A Mr A R Poole. Mr F Wood-Brignall was present as the local Member.

OFFICERS: Mr M Clifton (Planning) and Mr A Tait (Legal and Democratic Services)

THE APPLICANTS: Bretts (Mr M Drury, Mr M Davies and Mr R Hanley).

OTHER LOCAL AUTHORITIES: Shepway DC (Mr J Bailey (Planning)); Lydd TC (Cllrs CE Albrow – Mayor, D J Alford – Chairman of Planning, Mrs M R Masters, Mrs B A Walsh and M J Walsh).

(1) The Chairman opened the meeting and welcomed everyone present. He explained that its purpose was for Members of the Committee to see the site and to listen to the views of those present.

(2) Mr Clifton introduced the application. He said that permission had been granted in August 1999 for the extraction of some 700,000 tonnes of sand and gravel from the site for processing and delivery to the CTRL by rail.

(3) Bretts had written to KCC in July 2004 (shortly before the permission was due to expire) to say that they had commenced gravel extraction, thereby formally implementing the permission. KCC had disagreed, taking the view that this had not been a valid start as the operations were not been specifically taken in connection with the CTRL. Consequently, an Enforcement Notice was served.

(4) Bretts had appealed against this decision and their view was upheld at a Public Enquiry. It had therefore been legally established that Bretts had the benefit of an existing permission together with associated conditions.

(5) Bretts had now applied to formally vary three conditions and had also applied to no longer need to comply with Condition 15. This would have the effect of enabling Bretts to:-

- (a) no longer need to make deliveries solely to the CTRL. They would be able to serve other customers by a rail connected aggregate depot;



- (b) complete extraction over a period of 10 years instead of the 2 currently specified; and
- (c) work the site over 10 separate phases, each covering less than 1 hectare with each phase being progressively backfilled and restored to agriculture before proceeding to the next phase.

(6) Mr Clifton said that he had sought Counsel's opinion as to whether this would need to be a separate application rather than a variation of an existing permission. Counsel had advised that KCC should validate and determine this formal application as a Court would be unlikely to conclude that it was a fundamental alteration to the existing permission. It would be seen, instead as a proposed change to the conduct of the permitted use of the land.

(7) In support of their application, Bretts had referred to MPG2 which stated: -

" where a permission for mineral working becomes time expired and workable deposits remain, an application for its renewal should be considered in the normal way but it is to be expected that such an application would normally be granted unless there has been a material change of planning circumstances since the expiring permission was granted."

(8) Mr Clifton then said that Bretts had pointed to what they considered an unreasonable period in which the site was currently required to be worked, even though the period set was consistent with the Kent Minerals Local Plan and had been recommended in the Inspector's report following the Local Plan Inquiry. It was Brett's contention that the Inspector could not have foreseen the possibility that the site could be worked for a single high demand project such as the CTRL and would therefore have assumed that it would be worked as a progression from the nearby Whitehall Farm site. Therefore, Bretts took the view that the requirement for the land to be worked over a short timescale had to be taken in the context of the amount of material to be worked and the amount of land that would remain out of agricultural use at any one time. Consequently, in Brett's view, the application to work in relatively short individual phases was not in conflict with the Kent Minerals Local Plan.

(9) Mr Clifton concluded his presentation by saying that the application would need to be considered in the light of the existing planning status of the site (where permission already existed for mineral extraction), and the extent to which the proposed variations to the current consent would result in any additional unacceptable impacts.

(10) Mr Drury (Bretts) said that Committee Members should bear in mind that Bretts were currently bringing forward an application for the retention of the existing railhead at Sevington, Ashford for the importation of aggregate, demolition and construction waste. If permission were granted, it would enable the extracted sand and gravel to be moved by rail, avoiding pressure on the road network. The intention was to work very small, discrete areas, which would be restored before work commenced on the next area.

(11) Mr Bailey (Shepway DC) said that his Council accepted that the site was suitable for gravel extraction and had therefore raised no objection. It was nevertheless recognised that there would be extensive implications for local residents and the environment. An appropriate balance needed to be found between extraction and the environment. The District Council had therefore requested mitigation measures and that operations be completed quickly. They believed that extraction should take place over 5 years instead of the 10 applied for.

(12) Mr Allbrow (Lydd TC) said that Lydd had suffered enough over a number of years sites such as this one. This one was inappropriate because of the The Poplars housing development which was nearer to the site than other developments had been when permission was first granted. He added that the site at nearby Whitehall Farm was already overdue for reinstatement.

(13) Mrs Masters (Lydd TC) agreed with the view that a 10 year permission was far too long.

(14) Mr Wood-Brignall (local Member) said that Lydd did not want any more excavation to take place. The agreement had been that this site would only be worked for the CTRL. There was still a large amount of gravel that needed to be extracted from Whitehall Farm. Currently large housing estates were being built which would overlook the development. He pointed out that the proposed development was in an SSSI. He believed that this would make it impossible for Bretts to work the site. If, however, they were able to do so, he was concerned that Allens Bank would be used to dispose of waste emanating from London's Olympic Games preparations.

(15) Mr Clifton confirmed the SSSI designation and said that the applicants would need to demonstrate to Natural England's satisfaction that the site would be properly restored. Currently, Bretts only had permission to infill with inert waste.

(16) Mr Droury responded to a question from Mrs Hohler by saying that all infill materials would be brought to the site by Rail. There would be no additional movement on local roads. The entire development would be under Brett's control and responsibility. The waste would be examined in Sevington and only acceptable materials would be sent on to Allens Bank. Bretts already had an Environment Agency permit to refill and restore the land and therefore knew what was required. The needs of the CTRL would have been served by rapid and intense excavation of the site. The needs for Ashford were spread over a much longer period. These could best be met by working with less intensity on smaller parcels of land.

(17) Mr Allbrow said that the railway line between Appledore and Lydd was in bad condition. He asked whether there was an opportunity for waste to be imported using single track. He suggested that Natural England would have a lot of work to do to ensure that the SSSI was protected as soon as the excavation went below 18 inches.

(18) Mr Droury said that Bretts were aware of the geomorphologic features that had caused the SSSI designation. He then responded to a question from Mr Fullarton by saying that a five year permission would lead to Bretts working the site with far greater intensity, leading to a far greater impact.

(19) Mr Fullarton asked what the effect of the recent SSSI designation had been on the current planning conditions. Mr Clifton replied that the designation had made no difference to the current permission. In relation to this application, Natural England had requested details relating to geomorphology, restoration and habitat creation.

(20) Mr Koowaree asked what the anticipated time lag would be between excavation and restoration. Mr Droury said that the intention would be to work one section per year, completing the entire process (excavation, refilling, restoration and resoiling) within that time before moving on to the next section.

(21) Mr Clifton confirmed that the Kent Minerals Local Plan had identified Allens Bank as part of a Greater Area of Search because of the permission that had already been granted. The Inspector had identified this as such because his remit was purely to look at the land-use implications, rather than the purpose for which the materials would be used. He had therefore concluded that the fact that permission had been granted purely for the CTRL was immaterial.

(22) The Chairman thanked everyone for attending. The notes of this visit would be appended to the Head of Planning Applications Group's report to the determining Committee meeting.

(23) Following the meeting, Members inspected the site from the Kitewell Lane entrance. Mr Wood-Brignall asked Committee Members to note the close proximity of The Poplars housing development to the site.

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SECTION D  
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents: the deposited documents; views and representations received as referred to in the reports and included in the development proposals dossier for each case; and other documents as might be additionally indicated.

## Item D1

### **Boundary fence replacement at Seal Church of England Primary School, Sevenoaks – SE/07/2536**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Application by the Governors of Seal Church of England Primary School and Kent County Council Children, Families & Education for the replacement of boundary fencing from chestnut paling fence to 1.8m high green weld-mesh fence at Seal Primary School, Zambra Way, Seal, Sevenoaks (SE/07/2536)

Recommendation: Planning permission be granted

**Local Member(s): Mr. N. Chard**

**Classification: Unrestricted**

#### **Site**

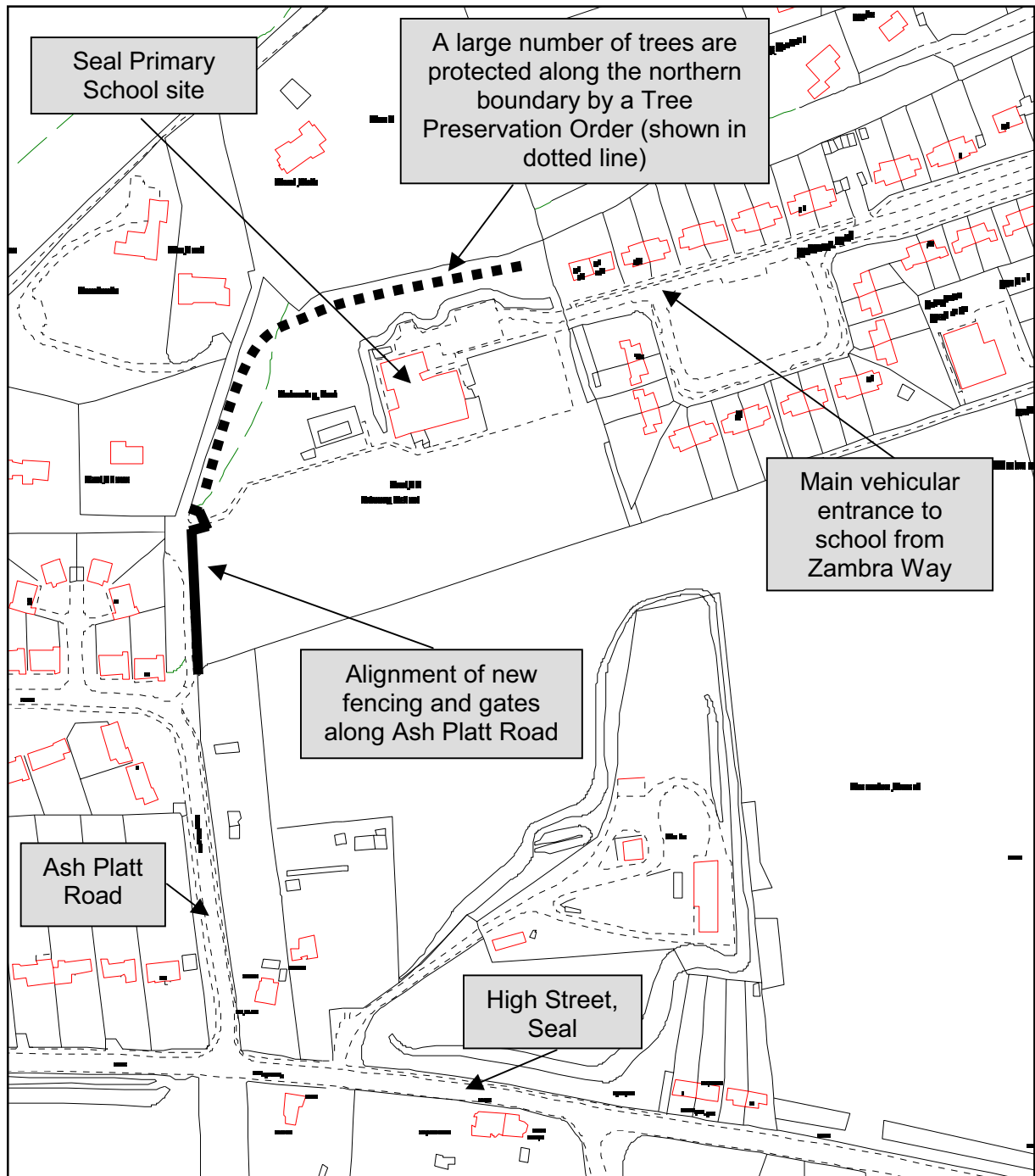
1. Seal Primary School is located to the north of the village of Seal and to the north east of Sevenoaks. The school is located a short distance from the main village itself, and is accessed by both vehicles and pedestrians from its main entrance off Zambra Way. In addition to the primary access route into the site, there is a secondary maintenance access (used solely by occasional maintenance vehicles) located on Ash Platt Road. The site is bordered to the north-west by a dense tree screen, the majority of the trees are protected by a Tree Preservation Order. *A location plan is attached.*
2. The school site is bordered to the north-west by an existing low level (1 metre high) chestnut paling fence along the boundary to Ash Platt Road. This style of fence is also present along the southern boundary of the site with the school playing field and adjoining field.
3. Seal Primary School is located within the Metropolitan Green Belt and adjacent to the Kent Downs Area of Outstanding Natural Beauty (as identified on the site context plans on page 3).

#### **Background and Proposal**

4. This application seeks planning permission for the replacement of approximately 55 metres of boundary fencing and the replacement of existing vehicular access gates with 1.8m high green powder-coated weld mesh fence and matching vehicular gates. The boundary fence replacement has been brought about by a spate of serious vandalism at the school over recent months. In order to attempt to secure part of the school boundary along Ash Platt Road, the applicants sought advice from the local community police constable on the most appropriate style of replacement fencing to choose. On the basis of the advice obtained, an application for planning permission for 1.8m high green powder-coated weld-mesh fencing was made to the County Planning Authority.
5. The application is being reported to the Planning Applications Committee on the basis of an objection from Sevenoaks District Council and several residential objections in

**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

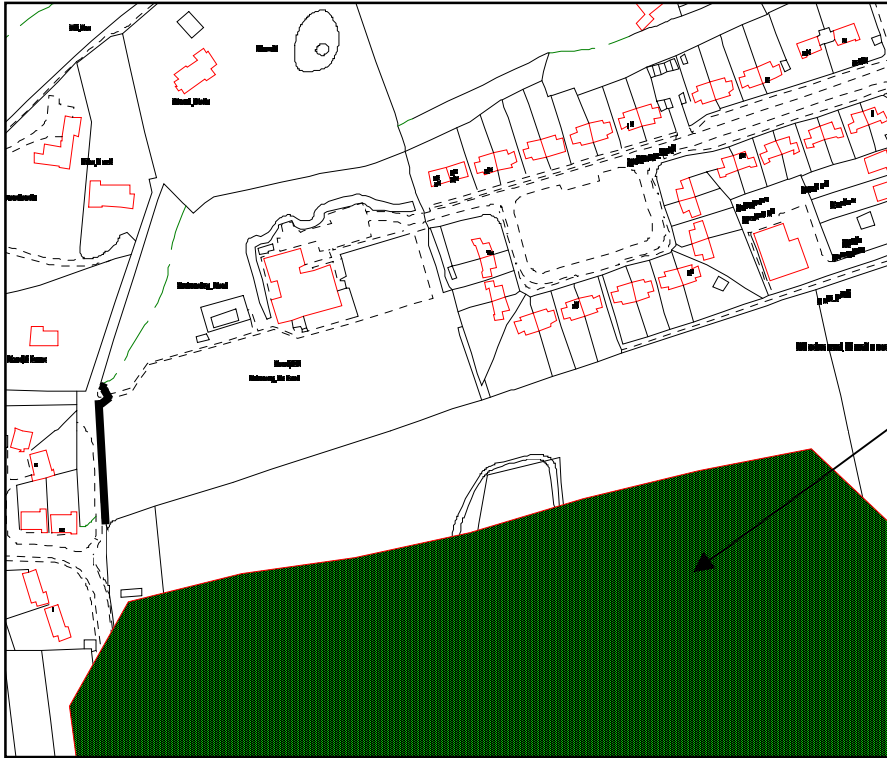
**Site Location Plan**



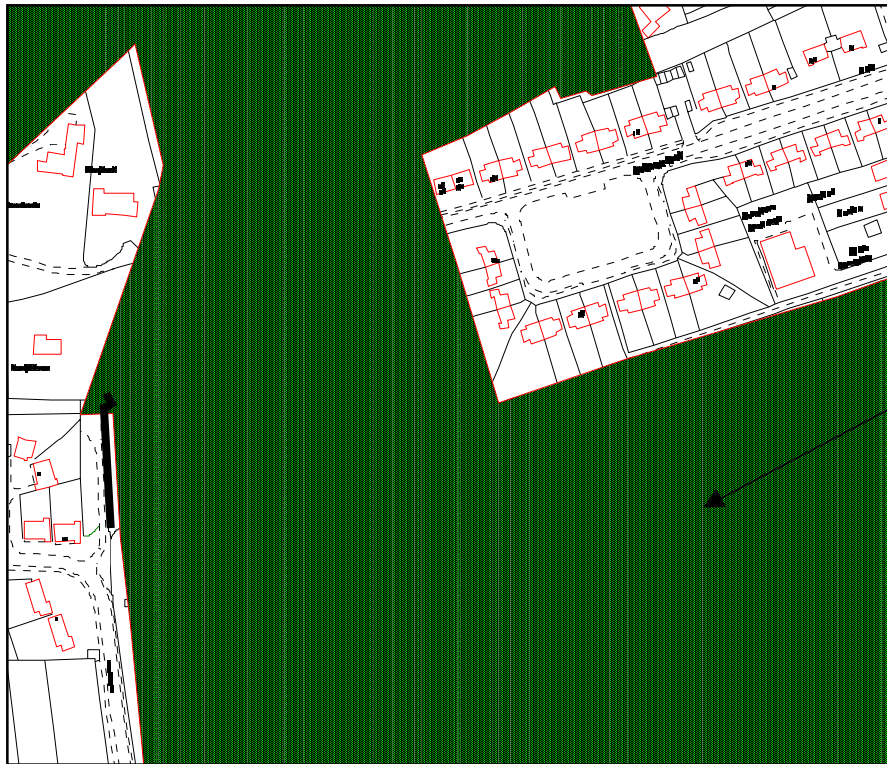
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**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

**Site Context Plans**



Area of Outstanding Natural Beauty (AONB)



Extent of Metropolitan Greenbelt

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**Not to scale**

**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

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relation to the style and design of the fencing being out of keeping with the local environment, and its impact on the Kent Downs Area of Outstanding Natural Beauty and Metropolitan Green Belt.

**Planning History**

6. There have been no recent planning applications as Seal Primary School to detail.

**Planning Policy**

7. The Development Plan Policies summarised below are relevant to consideration of the application:

- (i) The adopted 2006 **Kent & Medway Structure Plan**:

**Policy SP1** – The primary purpose of Kent’s development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting the Kent countryside and its wildlife for future generations;
- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent’s identity and local distinctiveness and promoting healthy, safe and secure living and working environments;

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

**Policy EN4** – Protection will be given to the nationally important landscapes of the Kent Downs Area of Outstanding Natural Beauty where the primary objective will be to protect, conserve and enhance the landscape character and natural beauty.

**Policy EN9** – Tree cover and the hedgerow network should be maintained and enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

**Policy SS2** – Within the Green Belt there is a general presumption against inappropriate development.



**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

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(ii) The adopted 2000 **Sevenoaks District Council Local Plan**

**Policy EN1** – Proposals for all forms of development and land use must comply with the policies set out in the Plan, unless there are overriding material considerations. The following criteria will be applied, amongst other matters, in the consideration of planning applications:

- the form of the development should be compatible in terms of scale, height and use of appropriate materials;
- the proposed development does not have an adverse impact on the amenities of a locality by reason of form, scale and height;
- the design of new development incorporates measures to deter crime;

**Policy EN6** – Development that would harm or detract from the landscape character of the Kent Downs Area of Outstanding Natural Beauty will not be permitted.

**Crime and Disorder Act 1998**

8. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998, which directs that the Council must have community safety embedded into its planning, policy and operational day to day activity. It requires authorities to assess crime and disorder considerations in their decision making.

**Consultations**

9. **Sevenoaks District Council:** has raised an objection to the proposed fencing for the following reasons:

*“The fence by virtue of the proposed use of materials, design, height and prominence would result in an incongruous, alien feature which would harm the rural character of the area, the setting of the adjoining Area of Outstanding Natural Beauty and visual amenity of the Green Belt. This would be contrary to the Sevenoaks District Council Local Plan Policies EN1, EN6 and GB4”*

*“The Council is of the opinion that a smaller fence finished in natural materials (timber) with thorny hedging to add security would be more appropriate (as outlined in the Landscape Design Handbook prepared by the Kent Downs Area of Outstanding Natural Beauty Unit and the Kent Design Guide). Sevenoaks District Council is also concerned about the potential loss of trees and hedging”.*

**Divisional Transportation Manager:** has no highway objection to this proposal.

**Local Member**

10. The local County Member, Mr. N. Chard was notified of the application on the 20 August 2007. Mr Chard commented as follows, “The application for a fence at Seal C of E Primary School has my full support”.

**Publicity**

11. The application was publicised by posting a site notice at the school entrance with Ash Platt Road, and the individual notification of 20 neighbouring residential properties.

### Boundary fence replacement at Seal Church of England Primary School – SE/07/2536

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#### Representations

12. I have received 3 letters of objection to date with regard to this application. The issues raised have been summarised below as follows:
- Whilst the School's desire to improve its security due to recent vandalism is recognised, improved security procedures to lock the gate are needed. A new gate is not going to be any more secure if it remains unlocked;
  - A 1.8m high green wired fence with a matching gate is not in keeping with a country environment and is totally out of character. I suggest that it would be more appropriate, if a replacement is to be built, for it to be constructed of wood;
  - The current boundary fence, where a replacement is currently contemplated, is made of traditional chestnut paling and is very much in keeping with the character and environment of the area at the west side of the school property;
  - A green welded mesh fence is more likely to resemble a detention centre;
  - I would appreciate confirmation that the existing gate, and any eventual replacement, is intended to be used for emergency access only and not for normal pedestrian or vehicular access;

#### Discussion

##### Introduction

13. The development proposes to seek planning permission for a 55-metre section of replacement boundary fencing at Seal Primary School with 1.8m high green powder-coated weld mesh fence. The application is being reported to the Planning Applications Committee as a result of several residential objections and a policy objection from Sevenoaks District Council to the chosen style of fencing design and materials. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (7) above. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the visual impact of the replacement fencing on the Metropolitan Green Belt, on the adjacent Area of Outstanding Natural Beauty, and on the amenities of local residents.

##### Impact on Green Belt

14. The whole school site is within the Metropolitan Green Belt and in the context of the relevant National Planning Policy guidance and Development Policies that apply, I do not consider this replacement fencing to be inappropriate development in this case. In particular, the prime purpose of Green Belt policy is to maintain the separation of existing areas of urban development by preserving the openness of the countryside in between. In this case, the replacement of an existing boundary fence with largely transparent fencing would have a negligible change to the openness of the wider Green Belt.

##### Impact on adjacent Area of Outstanding Natural Beauty

15. As outlined in the site context plans (see page 3), the application site lies adjacent to the Kent Downs Area of Outstanding Natural Beauty. Policy EN4 of the Kent and Medway Structure Plan states that "*protection will be given to the nationally important*

**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

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*landscapes of the Kent Downs Area of Outstanding Natural Beauty where the primary objective will be to protect, conserve and enhance the landscape character and natural beauty". Similarly, Policy EN6 of the Sevenoaks Local Plan states that "development that would harm or detract from the landscape character of the Kent Downs Area of Outstanding Natural Beauty will not be permitted".*

16. In my opinion, given that the fencing proposed is in a relatively well screened location within the existing built confines of Seal, I do not consider that it will adversely affect any potential views into or out of the adjoining AONB. In addition, when considering the chosen style of fencing proposed (1.8m high green powder-coated weld mesh fence) it is considered to be relatively open given the large gaps between the metal wire, as opposed to that of a solid timber-close boarded alternative. For these reasons, I do not consider that an objection on these grounds can be sustained.

**Impact on residential amenity**

17. Members will note the concerns from various local residents, as highlighted in paragraph (12) above. These have mostly been concerning the chosen style and design of fencing selected for this particular location. The general view from local residents is that the weld-mesh fence will be out of keeping with the local environment, and a timber close-boarded fence would be more matched to that of many local properties boundaries.
18. However, whilst I note that a timber close-boarded fence may be more in-keeping with adjoining residential boundaries, the applicants have stated that this would not be their preferred option given the future maintenance requirements and relatively short life-span as opposed to the metal alternative. It is also worth noting that the applicants have applied for the 1.8m high weld-mesh fence following advice obtained from the Police as to the best way of preventing crime and securing this boundary. This design solution therefore satisfactorily addresses the requirements of Section 17 of the Crime and Disorder Act 1998. As mentioned above, I also consider that the chosen specification would have the advantage of maintaining openness, which a more domestic specification would not do.
19. It is noted that Ash Platt Road leads into a private road past a cul-de-sac of residential properties in Highlands Park. The access road is a narrow, single-file road, off which there is an existing maintenance access to the school grounds. The existing track-way is bordered on the left hand side by timber-close boarded fence (to an adjoining residential property) and to the right by a low-level chestnut paling fence (the boundary of the school grounds), as shown in the attached photographs. In my opinion, given the narrow width of the existing track way which is densely bordered by existing mature trees and shrubs, I feel that closing in a further side would give a dark tunnel-like effect which may be the focus of crime in the future. It is therefore considered that installing a weld-mesh fence to the school boundary would allow views across the school site and track way (and vica-versa) allowing natural surveillance of both areas at all times.
20. Whilst the strong objections to the proposed design and style of fencing have been noted from both local residents, and the District Council in this case, it is my opinion that there will not be any adverse visual impacts to local residents who regularly use this trackway. Accordingly, I do not consider an objection on these grounds can be sustained.

**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

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Alternative solutions

21. As stated above, the applicants have expressed their intentions to retain the originally proposed weld-mesh fence as opposed to an alternative solution such as a timber close-boarded fence. Whilst it is noted that several local residents have concerns regarding this choice of fencing style, it is my opinion that from a visual perspective the chosen style of fencing will more open, hence allowing the greater security of the school site from outside of the school grounds.

Landscaping

22. As part of this proposal, the applicants have stated that no trees or low-level vegetation would be removed, other than some cutting-back in order to install the proposed fence. It is noted that the open mesh style of the chosen fencing would allow vegetation to eventually climb up and minimise the fence's impact on the adjoining trackway. As highlighted in paragraph (1) above, a large number of trees are protected to the north-west of the site by a Tree Preservation Order. It is worth noting that as a result of this development, none of these trees would be removed or adversely affected. In order to ensure that that is the case, I proposed to include a condition on any planning permission that ensures that no trees be removed as part of this development.

23. Given that the existing vegetation planting along the replacement boundary fence location is relatively substantial, and that it is not the intention of the applicants to remove this beyond what is necessary to install the fence, I do not consider that any additional boundary planting needs to be considered in this case.

**Conclusion**

24. Having regard to the Development Plan Policies, in particular those policies relating to the Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty, in addition to the material considerations raised by both local residents and the District Council, I consider that the replacement of this section of boundary fence is in general accordance with the Development Plan. Whilst I note the views received from the District Council and local residents regarding the style of fencing, I do not feel that a timber close-boarded fence is justifiable over and above the currently proposed 1.8m high green weld-mesh fence. Accordingly, I consider that planning permission should be granted, subject to the following conditions as set out in paragraph (25) below.

**Recommendation**

25. I RECOMMEND that PLANNING PERMISSION BE GRANTED, SUBJECT TO conditions, including conditions to cover the following aspects:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- the development shall be carried out in such a way to avoid the removal of existing trees and shrubs.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**Boundary fence replacement at Seal Church of England Primary School – SE/07/2536**

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**Photographs**



**Above:** View looking northwards along Ash Platt Road (School boundary fence to right hand side, residential property boundary to the left)



**Above:** View looking north-eastwards into the school site from Ash Platt Road showing existing gates and chestnut paling fence to be replaced.

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**Item D2****Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

A report by the Head of Planning Applications Group to the Planning Applications Committee on 6 November 2007.

Application by the Governors of The Downs C of E Primary School and KCC Children, Families and Education for the retention and renewal of planning consent for a four classroom mobile building with library, toilet and staff facilities, at the Downs CE Primary School, Owen Square, Walmer.

Recommendation: Planning permission be permitted subject to conditions.

Local Member(s): Mr. T. Birkett and Dr. M. Eddy

Classification: Unrestricted

**Site**

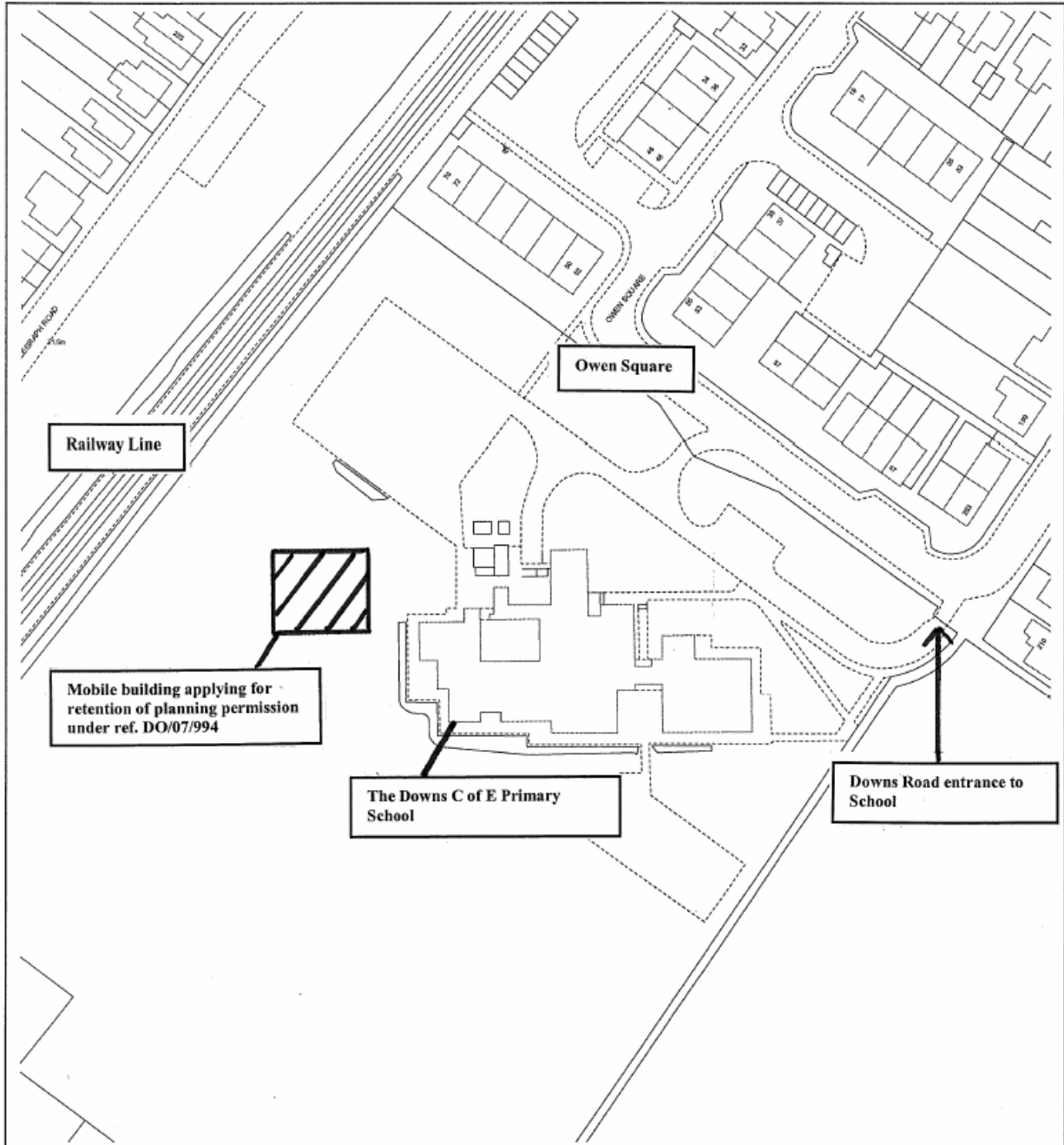
1. The Downs Church of England Primary School is situated on a large site west of Walmer, approximately 1.5km south of Deal in a predominantly residential area. The School site is generally rectangular in shape with the exception of the south west corner of the site where five residential properties are located; a railway line forms the western boundary and the Walmer Science College to the eastern boundary. The School's main access is on Owen Square with an alternative vehicular access from Downs Road. The mobile building is sited to the north west of the main school buildings and is approximately 65 metres from the nearest residential property. The mobile building is surrounded by a number of semi mature trees which help to screen it from view; it remains, however, partially visible from Owen Square. A site location plan is attached.

**Proposal**

2. The mobile building proposed for retention within this application was originally permitted in 1989 and delivered to site in early 1990. It has remained on site under various temporary planning permissions since this date. The previous permission expired in March 2007.
3. The mobile classroom provides approximately 324m<sup>2</sup> of floorspace consisting of 4 classrooms, library and activity areas with toilets and some staff facilities. It measures 18m by 18m and reaches a height of 3.3m. The mobile building has a brown textured paint finish with a flat felt roof, timber doors and steps. The mobile building provides essential teaching accommodation for Key Stage 2 pupils in 4 classrooms with the remaining Key Stage 2 and all of Key Stage 1 classes being taught in 10 classes sited within the main school building. The school's roll in September 2006 was 378 increasing to 385 in September 2007 against a pupil admission number of 420. The intake in September 2007 was 50 pupils with a similar intake in September 2006 of 52 pupils.

**Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

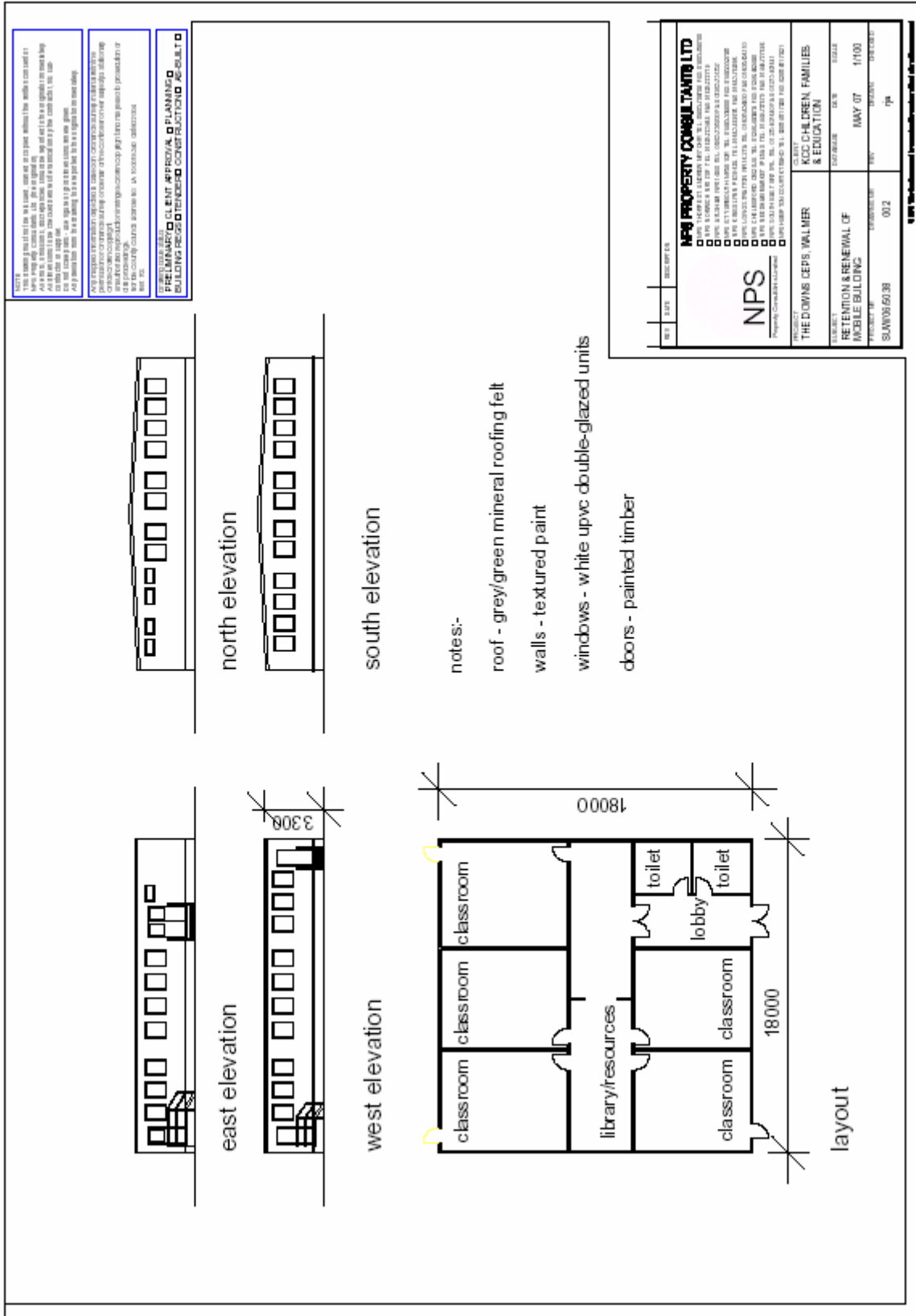
**Site Location Plan**



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Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.



**Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

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**Planning Policy**

4. The Development Plan Policies summarised below are relevant of consideration of the application:

(i) **Kent & Medway Structure Plan 2006**

**Policy QL1** Quality of development and design – Developments, individually or taken together should respond positively to the scale, layout, pattern and character of their local surroundings.

**Policy QL11** Existing community services and recreation facilities will be protected as long as there is a demonstrable need for them

**Policy SP1** Seeks to conserve and enhance Kent's environment ensuring a sustainable pattern of development and encourage high quality development and innovative design that reflects Kent's identity and local distinctiveness and promoting healthy, safe and secure living and working environments.

(ii) **Dover District Local Plan 2002**

**Policy DD1** Requires proposals that are acceptable in terms of layout, siting, scale, architectural style, materials, spatial and visual character of the area, landscaping, privacy and amenity.

**Policy CF2** Planning permission for mobile classrooms will only be granted where there is a proven short term need; they are located so as to minimise visual harm; and their siting would not result in the loss of or damage to important trees.

**Consultations**

5. **Dover District Council** – Raises no objection to the renewal of planning permission for a further two years to allow alternative accommodation to be sought. This should be through an appropriate extension to the main school building. However, Dover District Local Plan Policy CF2 does not support the renewal of planning permissions for a period longer than 5 years. The extended renewal will allow the retention of the mobile classroom for a total of 19 years since the original planning permission. Within this period, no attempt has apparently been made to find a permanent solution to the ongoing shortage in permanent accommodation. For these reasons, it is considered that the proposed renewal is contrary to Dover District Local Plan Policy CF2.

**Walmer Parish Council** – Raises objection to another extension of planning consent for the retention of the temporary building. Applications for further time extensions simply perpetuate the lack of progress on the provision of a permanent purpose-built building. Furthermore the Parish Council's understanding of the decision notice reference number DO/05/54 was that the mobile building would have been removed by 31 March 2007.

**Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

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**Divisional Transportation Manager** – Raises no objection.

**Environment Agency** – Raises no objection.

**Local Member**

6. The local County Members Mr. Birkett and Dr. Eddy were notified on 13 August 2007 and have commented as follows: We support the proposal to retain the mobile classroom for a limited period but would ask the applicant to give urgent consideration to a replacement in bricks and mortar as soon as possible.

**Publicity**

7. The application was advertised by the posting of a site notice and the notification of 18 neighbouring properties.

**Representations**

8. No letters of representation have been received.

**Discussion**

9. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore in considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (4), Government Guidance and other material planning considerations arising from consultation and publicity.
10. The planning application seeks the retention of a mobile building currently located within the grounds of The Downs C of E Primary School for a further period of 3 years. The mobile building has been on site for 17 years and provides teaching accommodation for 4 class groups. The main issues to consider when determining the application are: the impact the proposal has in terms of its siting, design and overall appearance, and the question of the School's requirement for the building to enable the effective operation of the school in the short-term.

**Siting, design and appearance**

11. The school is sited within a residential area and bounded to the west and east by a railway line and the Walmer Science College respectively. The site is not within any environmental or planning constraint areas and does not impact on any listed buildings. The positioning of the mobile building allows it to be well screened by mature vegetation and trees and is only partly visible from the front elevation of the School in Owen Square; it is also sited close to the main school buildings.
12. In considering the design of the mobile building, I highlight that the development consists of a mobile building similar in construction to a number of other units used across the County in schools, albeit in this case it is larger than the average mobile classroom. Kent and Medway Structure Plan Policies SP1, QL1 and Dover District Local Plan Policy DD1 all seek proposals that are well designed and appropriate in the context of the existing

**Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

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pattern of development in the local area. The single storey flat roofed construction method of this building does not make a positive addition to the character of the surrounding built environment, but one should also consider that the main school buildings are also predominantly of single storey flat roofed construction. However the issue to consider in this instance is whether a further period of retention would detract significantly from the character of the surrounding built environment to warrant refusal. It is also worth considering the fact that when this application was initially considered, it was deemed to be acceptable in terms of siting, design and appearance, albeit for a short-term period. In addition to this, the level of screening afforded to the mobile building today is substantially more comprehensive than 17 years ago. A recent condition survey of the mobile building resulted in some minor repairs and remedial works, and as a result it has been classified as being in a satisfactory condition for continued use.

13. Given the details discussed above, I consider the removal of the building to be the preferred solution, but in light of the limited impact that it has on the surrounding locality in terms of siting, design and visual appearance, I do not consider there to be sufficient justification to refuse the application. Furthermore, in my view, the location of the mobile building can be considered as a good siting for future permanent expansion of the school, as and when a permanent extension can be secured.

**Need**

14. Development of this nature cannot be considered as suitable for permanent siting in this or any location within the school grounds. The mobile building has benefited from 17 years of near continuous planning consent, which cannot be considered as a temporary time period, as should be the case with planning permissions of this type. As a consequence, the development is not in accordance with Dover District Local Plan Policy CF2, which does not support the renewal of temporary planning permissions for periods longer than 5 years. The fact that recurring planning applications for the retention of the mobile building have been approved over the last 17 years would appear to demonstrate that the school's roll has settled at around the current number. Ordinarily this would be sufficient justification for appropriate permanent accommodation to be provided.
15. In response to a request made to the applicant regarding a timeframe for the provision of permanent accommodation, the applicant advises that the County Council is committed to replacing temporary classrooms with permanent accommodation and that the complex continues to be under consideration for replacement as part of the School's Modernisation Programme. Government funding for the impending Primary Capital Investment will also be targeted at removing temporary buildings at Primary Schools, however this funding will be directed in the first instance at schools with mobile buildings in the worst condition. Given the recent survey that stated that the mobile building is in a satisfactory condition, and that it appears unlikely that any future investment funding would be confirmed prior to 2010, the applicant is requesting a further period of consent of 3 years.
16. It has already been mentioned that in the main school buildings there is only sufficient accommodation for 10 classes, leaving a shortfall of 4 classrooms, library and staff facilities currently in mobile accommodation. That would clearly demonstrate that the mobile building provides vital and a well-established teaching and ancillary space that is undoubtedly required for the effective operation of the school. It would appear therefore, that circumstances dictate that refusal of the application would render it impossible for the School to operate effectively, demonstrating that there is clear and

**Retention of a mobile building – The Downs C of E Primary School, Walmer - DO/07/994.**

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justifiable short-term requirement for the mobile building's continued retention.

**Conclusion**

17. Whilst I consider that the design of the proposed development is not acceptable in this location as a permanent solution to the shortfall in teaching accommodation, I do accept that the proposed development is well screened and is not overtly detrimental to the surrounding visual amenity. Furthermore, I consider that the applicant has demonstrated that there is a proven short-term need for the development to allow the effective functioning of the school. On balance, I am of the opinion, that the short-term need for the mobile building, which provides an essential community service, outweighs the poor design quality of the proposal and the effect of a further period of temporary planning permission. Therefore, I recommend that the consent be granted for a further three years only, subject to conditions. Considering in three years' time the mobile building would have been on site for approaching twenty years (and coupled with the recent condition report where the building was only classified as satisfactory), the continued retention for any period exceeding 3 years would severely jeopardise the School's ability to provide primary education in acceptable teaching conditions. Accordingly, I strongly advise that the applicant urgently promote the school for consideration within the County Council's Modernisation Programme for Schools.

**Recommendation**

18. I RECOMMEND that PLANNING PERMISSION BE PERMITTED subject to conditions, including conditions covering:

- The removal of the mobile building by the 30 November 2010 and the land reinstated to its former use.
- The development to be carried out in accordance with the permitted plans.

19. I FURTHER RECOMMEND that the applicant be advised of the following informatives:

- The applicant is advised that the further period of retention of three years be on the proviso that urgent progress be made with regard to the development of a scheme to provide appropriate permanent teaching accommodation at the earliest opportunity.
- The Director of Children, Families and Education be strongly advised to include this school in the Modernisation Programme for replacement of the temporary accommodation.

Case officer – Adam Tomaszewski	01622 696923
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Background documents - See section heading
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**Item D3****Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Application by the Governors of Minster College and Kent County Council Children, Families & Education for retrospective permission to retain a 1200mm high fence on top of the existing boundary wall at Minster College, Minster-on-Sea, Sheerness (SW/07/1069)

Recommendation: Planning permission be refused

Local Member(s): Mrs. A. Harrison

Classification: Unrestricted

**Site**

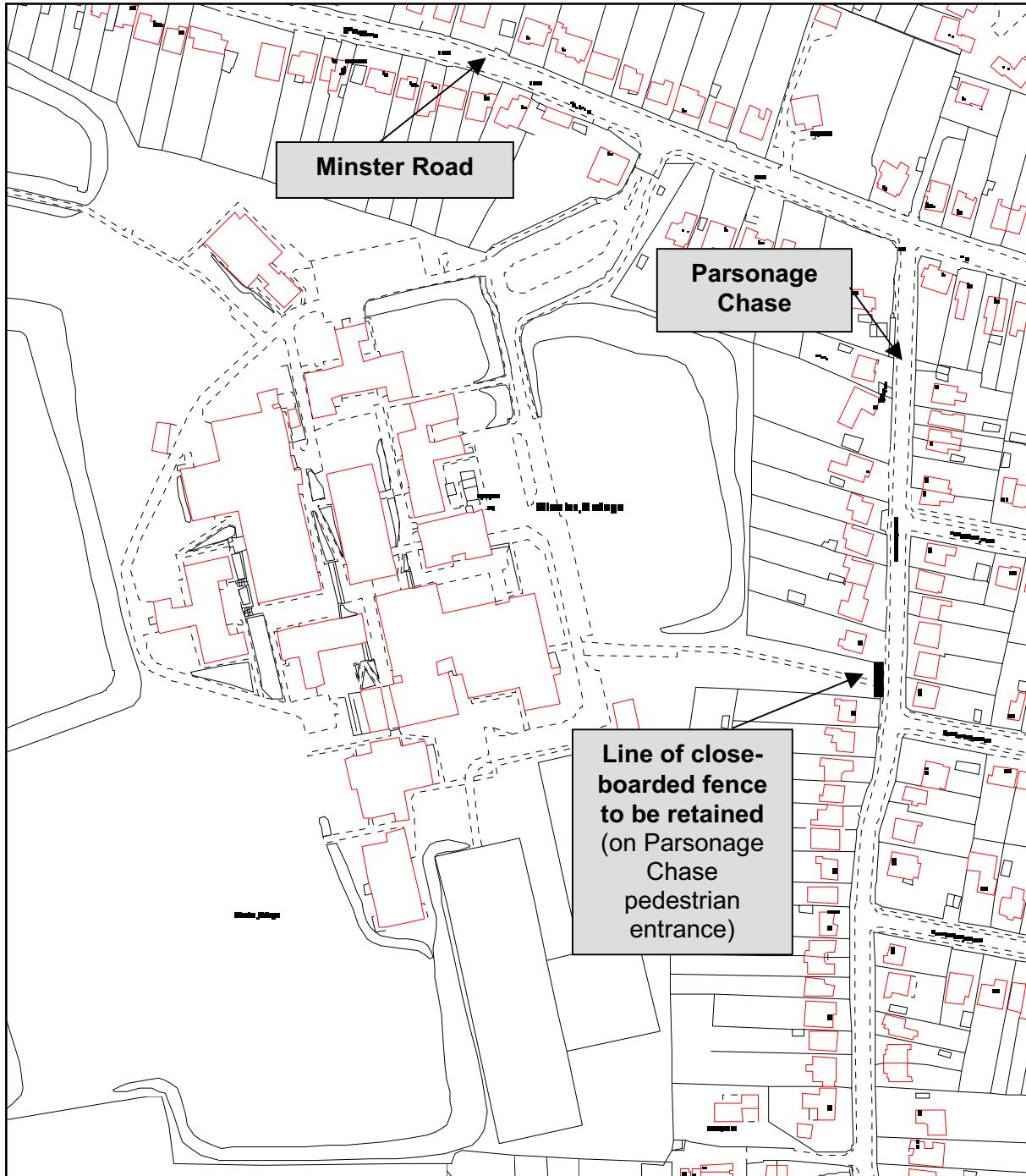
1. Minster College is located to the east of Minster on the Isle of Sheppey. Minster College lies within a spacious site and is bordered to the north by residential properties on Minster Road and to the east by properties in Parsonage Chase. There are large playing fields to both the east and west of the Minster College buildings. *A location plan is attached.*
2. The College site is currently accessed via the main vehicular entrance off Minster Road, to the north of the site. In addition, two pedestrian entrances exist into the site from: (a) Parsonage Chase, to which this application relates, to the east of the site; and (b) from Admirals Walk to the north-western corner of the site. At present, both pedestrian entrances are used by students to access and egress the site at the start and end of the school day. However, between the start and finish of the school day these two entrances are kept locked, in order to prevent students using these routes as access points in and out of the site.

**Background and Proposal**

3. This application seeks to obtain retrospective planning permission to retain a 14 metre stretch of close-boarded fencing that was erected on the Minster College pedestrian entrance with Parsonage Chase in 2006. The close-boarded timber fencing was erected by the College following a high level of trespass onto the site, both during the day and after school hours. At the time when the fence was erected the College were not aware of the requirement to obtain planning permission from the County Planning Authority in this case.
4. The boundary wall between Minster College and Parsonage Chase consisted of a 1.8m high brick wall with 1.2m high green railings on-top **pre-2006**. However, the applicants chose to further secure this boundary by attaching a wooden close-boarded fence to the previous railings, filling in between the previous railing fence. Therefore, the current situation with the boundary wall at Parsonage Chase consists of a 1.8m high brick wall, topped by a 1.2m high close-boarded fence (see attached photographs). The overall height of the wall and timber fence is now 3 metres.
5. At the time when the fence was erected on site the issue was drawn to our attention by local residents, who expressed concerns over the visual impact of the new stretch of fencing. Following investigations into this matter, the College was informed of the need to apply for 'retrospective' planning permission should they wish to retain the fence on

**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

**Site Location Plan**



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# Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069

## Elevations of retrospective proposal

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 Checked by: [Name]  
 The BUILDING RECORDS CONSTRUCTION AS BUILT

Photograph showing the entrance gate and wall.  
 The Existing Blue railings can be seen behind the new fence.  
 Problems with people climbing the wall and subsequent railings had been increasing before the installation of the fence.



Photograph showing the extent to the fence / wall to the Left hand side.

This Photograph shows the extent of the wall on the right hand side.  
 As you can see every effort has been made to match the height and colour of the existing railings / gate.



The Existing wall and gate / railings with the new fence as seen from the road.



**PROJECT**  
 Minster College Boundary Fence  
**SUBJECT**  
 Photographical Aid Notes  
**PROJECT NO.**  
 SUW/07/1012 001

**CLIENT**  
 Minster College  
**DATE**  
 July 07  
**SCALE**  
 N/S  
**DRAWN**  
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**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

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the Parsonage Chase boundary. It is however unfortunate in this case that following the advice given to the College in June 2006 for the need to obtain planning permission, the applicant(s) did not submit a retrospective planning application until August 2007.

6. It should also be noted that much concern has been raised regarding the colour in which the timber close-boarded fence has been painted. The College has chosen to finish the fence in dark blue (see attached photographs), in order to match in with the Minster College school colours.

**Planning Policy**

7. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 2006 **Kent & Medway Structure Plan**:

**Policy SP1** – The primary purpose of Kent’s development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development. This will be done principally by, amongst other matters:

- protecting and enhancing features of importance in the natural and built environment;
- encouraging high quality development and innovative design that reflects Kent’s identity and local distinctiveness and promoting healthy, safe and secure living and working environments.

**Policy QL1** – All development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.

**Policy QL11** – Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient. Flexibility in the use of buildings for mixed community uses, and the concentration of sports facilities at schools, will be encouraged.

(ii) The adopted 2000 **Swale Borough Local Plan**

**Policy G1** - All development will be expected to be in accordance with the policies and proposals of the Plan, have regard for the characteristics of the site; avoid unacceptable impact on existing built environments and be well sited and of an appropriate scale and appearance to the location it is to be sited in.

**Policy C1** – Subject to compliance with other policies of the Plan, planning permission will be granted for appropriately located social and community facilities.

### Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069

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(iii) The 2005 **Swale Borough Council Local Plan First Review (Re-deposit Draft)**

**Policy E1** – All development will be expected to be in accordance with the policies and proposals of the Plan unless material considerations indicate otherwise.

**Policy E19** – The Borough Council expects development to be of high quality design. Development proposals should respond positively to the following:

- creating safe, accessible, comfortable and attractive places;
- enriching the qualities of the existing environment by promoting distinctiveness;
- providing native plant species for soft landscaping and providing boundary treatments that respond positively to the character of the locality.

**Policy E20** – The Borough Council expects proposals to integrate security and safety measures within their design and layout.

**Policy C1** – The Borough Council will grant planning permission for new or improved community facilities.

#### **Crime and Disorder Act 1998**

8. The County Council has a legal obligation under Section 17 of the Crime and Disorder Act 1998, which directs that the Council must have community safety embedded into its planning, policy and operational day to day activity. It requires authorities to assess crime and disorder considerations in their decision making.

#### **Consultations**

9. **Swale Borough Council:** has raised an objection to the proposed fencing for the following reasons:

*“The height and design of the fence adversely impacts upon the visual and residential amenities of the surrounding area.”*

**Divisional Transportation Manager:** has no highway objection to this proposal.

#### **Local Member**

10. The local County Member, Mrs A. Harrison, was notified on the 6 September 2007. Mrs Harrison commented as follows: “I have no objection to the above application.”

#### **Publicity**

11. The application was publicised by posting a site notice at the Parsonage Chase entrance, and the individual notification of 21 neighbouring residential properties.

#### **Representations**

12. I have received 4 letters of representation to date with regard to this retrospective application. The issues raised have been summarised below:

**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

- 
- Do not wish to undermine any of Minster College's improvement initiatives and shall therefore not be opposing planning permission. However, please would the applicants consider repainting the close-boarded timber fence in green? In addition, the fencing is very effective in preventing pupils from climbing over next to the gate, however this has led to an increase in pupils cutting through my garden to access the College;
  - Object to the retrospective planning application as the fence was put up without permission to deter truants from climbing the wall. The unsightly boarding has not achieved its intended goal of reducing truancy and preventing unauthorised entry;
  - In itself the boarding presents a danger to any pupil who might attempt to scale it. It is only nailed on and might pull free should anyone attempt to scale it. Therefore, it is a potential accident waiting to happen;
  - Live directly opposite the wall and have lost about half an hour's sunlight each evening;
  - The wall that was acceptable with green railings on-top, has been rendered unsightly by this addition which has been made even worse by painting a hideous shade of blue. The wall and close-boarded fencing in Parsonage Chase is overbearing;
  - Considering its height and the narrowness of the road, the structure is far too prominent and its colour is discordant with its surroundings;
  - Understand that a previous wall collapsed during a gale, and this problem is only worsened by the extra 4ft of wooden boarding now erected on top of the wall;
  - Why when the work was done in Spring 2006 is the applicant applying for retrospective planning permission now? This is an absolute contempt for the rules and is not acceptable;
  - The Design and Access Statement accompanying the application is incorrect: the wall is not 1500 mm high, but is 1800mm (6ft) height. The overall height is now 3 metres;
  - Behind the wall in Parsonage Chase is a long exit corridor that could be further used. It would make a great deal of sense to replace the existing wall and railings with full length railings set far enough behind the frontage line of the dwellings to be unintrusive;
  - The whole area is part of an established Neighbourhood Watch Area and the boarding totally obscures the view of the adjacent residential property.

**Discussion**Introduction

13. The development proposes to seek retrospective planning permission to retain a stretch of blue close-boarded fencing on top of the existing boundary wall of Minster College at Parsonage Chase. The reason for the application being reported to the Planning Applications Committee is the objections received from both Swale Borough Council and neighbouring residential properties. In considering this proposal, regard must be had to the Development Plan Policies outlined in paragraph (7) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance in this case include the visual impact of the retrospective development on adjoining residential properties, as well as the overall impact of the fencing on the street scene.

### **Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

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#### Visual appearance and impact on adjacent residential properties

14. It should be noted that much concern has been raised regarding the visual impact of the retrospective fencing, from not only local residents, but also from Swale Borough Council (as referred to in Paragraph 9 above). The general view received is that the fencing style chosen does not reflect that of the surrounding area in terms of the local context, and is unnecessarily obtrusive.
15. The Kent and Medway Structure Plan Policy QL1 states that '*all developments should be well designed and be of high quality [...] responding to the scale, layout, pattern and character of their local surroundings*' and that '*developments which would be detrimental to the built environment, amenity, functioning and character or settlements should not be permitted*'. Similarly Policy G1 of the Swale Borough Council Local Plan states that '*all development will have regard for the characteristics of the site and avoid an unacceptable impact on existing building environments, and be well sited and of an appropriate scale and appearance to the location it is to be sited in*'.
16. In my opinion, the style and nature of the close-boarded fence chosen does not match in with the existing environment in which it sits. Whilst I acknowledge that elsewhere on the Minster College site a similar design of fence has been used, it is worth noting that that appears visually less obtrusive given the distance to residential properties. In addition, whilst I acknowledge that the height of the wall and fence (3 metres high) has not altered with the change from a wall topped with railings to a wall topped by close-boarded panels, I consider that the closed-in effect given by the timber panelling is over-intrusive for such height of fence.

#### Need for development and alternative solutions

17. I acknowledge the applicant's concerns relating to trespass onto the College site within the school day and after-school hours, yet do not feel that the solution currently adopted fully eliminates this problem. I would therefore advise that the applicant consider an alternative option for fencing this section of the College boundary as part of the site becoming an Academy in the future. It is noted that there is a vast amount of space currently behind the existing boundary wall that would allow a new fence, potentially of a railing design, to be stepped back within the College grounds, thus creating a more open and pleasant pedestrian entrance to the College grounds.
18. However, given that this is currently not an option to investigate until a new Academy proposal comes forward, I consider that as a short-term solution the best option is to ensure that the timber fence is removed and the wall top is reverted to a previous state with metal railings. Whilst I can acknowledge that this solution may not be ideal from the applicant's perspective, it will allow any future changes at the College site to seriously consider the boundary fence treatment in this particular location.

#### Landscaping

19. The applicants have suggested, as part of this proposal, to soften this structure with quick growing plants to be planted along the wall up trellis sections. Whilst I would support and encourage the applicants to do that, I feel that the potential benefit of such planting would be limited in terms of mitigating the overall detrimental impact of the fence.

**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

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**Conclusion**

20. Having regard to the Development Plan Policies, the material considerations received to this retrospective application, and the applicants need to strengthen this section of boundary fencing, I consider that the addition of the timber close-boarded panels on-top of the existing wall are excessively bulky and intrusive. Notwithstanding the applicants desire to secure this particular perimeter of the college site over and above that of the previous system (wall and railing system), I consider that an alternative solution of boundary treatment would be best suited to this prominent residential location. I consider that by refusing planning permission and reverting back to the previous situation, with a wall and railing fence, this would focus the applicant's mind in terms of devising an alternative solution for this area at such time as when the Academy proposals come forward. Accordingly, I consider that planning permission should be refused. -

**Recommendation**

21. I RECOMMEND that PLANNING PERMISSION BE REFUSED on the following grounds:

- by virtue of its scale, massing and bulk, and the visual appearance of the chosen colour scheme, the fence would have an overbearing visual impact to the detriment of both the street scene and residential properties along Parsonage Chase, contrary to Structure Plan Policy QL1 and Local Plan Policy G1.

22. I FURTHER RECOMMEND given the retrospective nature of the application, urgent steps be taken to remove the timber boarded fence, and that the case be reported to the Council's Regulation Committee at the next available date.

Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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**Retrospective retention of 1200mm high fence on top of the existing boundary wall at Minster College – SW/07/1069**

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**Photographs**



View looking north-westwards across the Minster College entrance on Parsonage Chase  
(taken when fence erected in 2006)



View looking south-westwards across the Minster College entrance on Parsonage Chase  
(taken when fence erected in 2006)

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**Item D4****New teaching and residential accommodation, Valence School, Westerham – SE/07/1914**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Application by Kent County Council Children, Families and Education for demolition of Garage Cottages and erection of new two storey teaching block. Extension to existing Knoll Block. Erection of four new single storey residential blocks, plus associated hard landscaping works, Valence School, Westerham Road, Westerham – SE/07/1914

Recommendation: Subject to any further views received by the Committee Meeting, the application be referred to the Secretary of State for Communities and Local Government and subject to her decision, and satisfactory resolution of outstanding issues on contamination & ecology, permission be granted subject to conditions.

**Local Members:** Mr R Parry

**Classification:** Unrestricted

**Members' Site Visit**

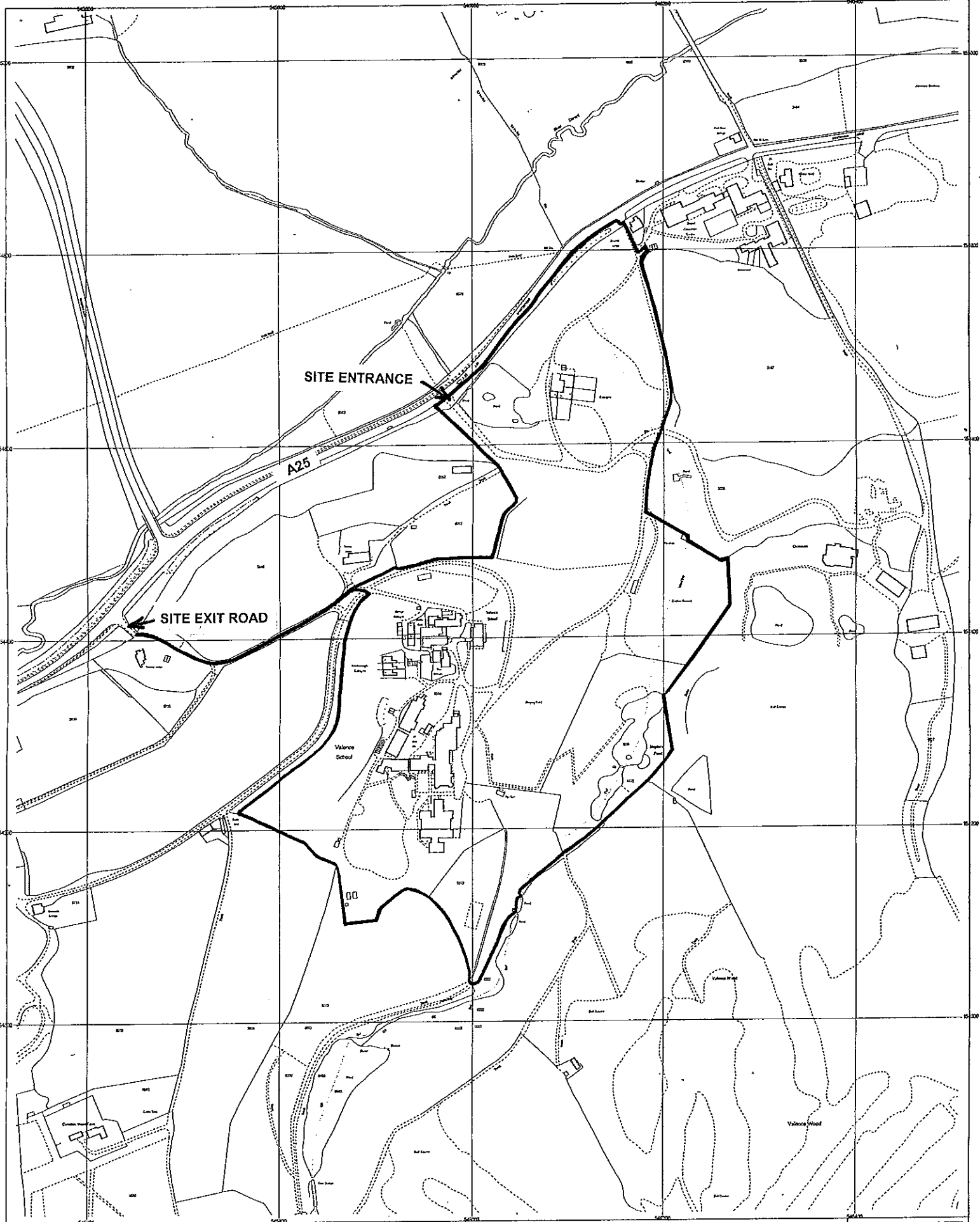
1. A group of Planning Application Committee Members visited the application site on the 4 September 2007 to acquaint themselves with the proposals and the issues they raise. The Committee Secretary's notes of the visit are attached as an appendix.

**Site**

2. Valence School site lies to the south of the A25, between Westerham and the village of Brasted. The site lies within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty, the Greensand Ridge Special Landscape Area and an Historic Park and Garden. The site parkland setting includes gardens and areas of woodland. The school is located towards the top of a ridge, running from south west to north east. The ridge ends immediately to the north east of the school, so that the school buildings and garden terraces are surrounded on three sides by steep slopes. A former KCC social education centre (Mountfield/Horizons site) adjoins the site to the east, the Westerham Golf Course to the east and south east, woodland to the south and west, open fields to the south west and west with some scattered residential properties, and the A25 to the north. A site plan is attached.

**Background and proposal**

3. The Valence School is a day and residential all-age maintained special school for young people who have a wide range of physical disabilities, complex medical needs and associated communication and learning difficulties. There are currently 90 students on roll, 40 day and 50 boarders. The provision operates during term time, 38 weeks per year, including 16 weekends when the school is open. Young people attending Valence are mainly from the South East of England predominantly from Kent but including Medway, Sussex, Surrey, London Boroughs of Bexley, Croydon and Sutton.



VALENCE SCHOOL  
 WESTERHAM  
 Page 112

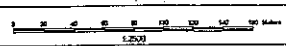
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**SITE PLAN**

**Kent**  
 County Council

PROPERTY GROUP  
 County Hall, Maidstone  
 Kent ME14 1XQ  
 Tel: 08458 247247

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Drawing No. TQ4654/9

**New teaching and residential accommodation, Valence School,  
Westerham – SE/07/1914**

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4. The current accommodation comprises a Victorian mansion house with added hall, dining area and kitchen and 3 ground floor primary classrooms and a two storey residential block which is linked to the Sports Hall, swimming and hydrotherapy pool. The sports facilities have undergone total refurbishment in recent years to provide specialist facilities and the students access this using the first floor residential area as a corridor. Access to the first and second floors is provided by 2 lifts, one of which has been refurbished and the other was installed in 2005. There is an additional single wheelchair lift to enable students to access the 2<sup>nd</sup> floor residential accommodation from the main lifts that are on a different level.
5. There is a single storey building (Lawn House) originally purpose built in the 1960's as a residential and teaching unit for primary aged children. It currently provides residential accommodation for 30 students and group teaching rooms. *(Over the course of the last three annual inspections ongoing refurbishment and maintenance works have continued; however, the physical environment for boarders remains inadequate with Lawn House being totally inappropriate and unable to meet even the basic care needs of boarders. Commission for Social Care Inspection June 2006.)*
6. There are various separate outbuildings grouped together that provide teaching accommodation and are arranged as specialist areas for maths, English, history, geography, French, Science, Art/DT, ICT, PSHE, Food Technology and Music. These include a mobile classroom, converted stables and tack rooms and a workshop as well as a single storey 1970's built (Knoll) block.
7. There is also an unoccupied pair of cottages (Garage Cottages) built in 1921, which have been allowed to deteriorate to a state of disrepair, that were formally used as staff accommodation.
8. Approximately 190 staff are employed at Valence including health care professionals (nurses, physiotherapists, occupational therapists, speech & language therapists). The staff live, mainly, within a 10 to 15 mile radius of the school.
9. The needs of the students have become more severe and complex progressively over the years and the impact of legislation – health and safety, moving and handling, National Care Standards, Ofsted – has influenced working practices. The School has endeavoured to make appropriate adaptations to inadequate accommodation in order to attempt to meet such demands put upon it within the confines of a limited budget.
10. The Education Authority has reaffirmed the need for the school under the recent countywide Special Education Needs strategy review. Following that review, this application proposes new buildings to meet the Schools requirements for upgraded accommodation, as follows:
  - A small extension to the existing Knoll Teaching Block, in the northern part of the site, in matching design and materials.
  - The demolition of Garage Cottages in the northern part of the site, removal of a hedgerow and a Yew tree, and the erection of a new two-storey teaching block, constructed using traditional materials.
  - Removal of trees and other vegetation and the erection of four single storey residential blocks, plus associated hard landscaping works in the south west corner of the site adjoining the top lawn. Two would be on an area that currently contains derelict greenhouses and garages and the other two on the woodland

**New teaching and residential accommodation, Valence School,  
Westerham – SE/07/1914**

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edge. It is proposed that they would be simple unpretentious buildings with timber cladding and walkways and low pitch roofs.

11. The application is accompanied by various reports in support of the application. These include a Design and Access Statement, reports addressing Green Belt Policy issues, landscape and visual effects, ecological surveys with related mitigation strategy and archaeology, and a tree survey.

Amendments to the proposal

12. Following discussions with the applicant, and in seeking to address objections that have been raised to the proposal, some amendments have been made to the application. These include: adjustment to the siting of the double residential block on the western edge of the top lawn together with realignment of the perimeter path; the use of cedar shingles for the roofs of the residential blocks (instead of artificial slates); and design changes to the two-storey teaching block. Outline landscape proposals have also been submitted. In addition a more detailed report that deals with Green Belt Policy and the applicant's case for Very Special Circumstances has recently been submitted.

*Copies of drawings showing the layout of existing buildings, the location of the proposed buildings and elevations, as amended, are attached.*

**Planning Policy**

13. In ODPM Circular (11/2005), the Government's commitment to the principles of the Green Belt and to maintaining tight planning controls over development on Green Belt land has been reaffirmed. It is expected that all planning applications for development in the Green Belt be subject to the most rigorous scrutiny, having regard to the fundamental aim of Green Belt policy as set out in Planning Policy Guidance note 2 [PPS2]. That is to prevent urban sprawl by keeping land permanently open. The openness of Green Belts is considered to be their most important attribute and therefore there is a general presumption against inappropriate development, which is by definition harmful and should not be permitted, unless it can be justified by very special circumstances.
14. The Government's Planning Policy Statement 7 [PPS7]: Sustainable Development in Rural Areas sets out the policies applicable to rural areas. These include the need for strict control over development in the open countryside with the overall aim of protecting the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and the wealth of its natural resources, so it may be enjoyed by all. All development in the open countryside should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Nationally designated areas that include Areas of Outstanding Natural Beauty are confirmed as having the highest status of protection in relation to landscape and scenic beauty.

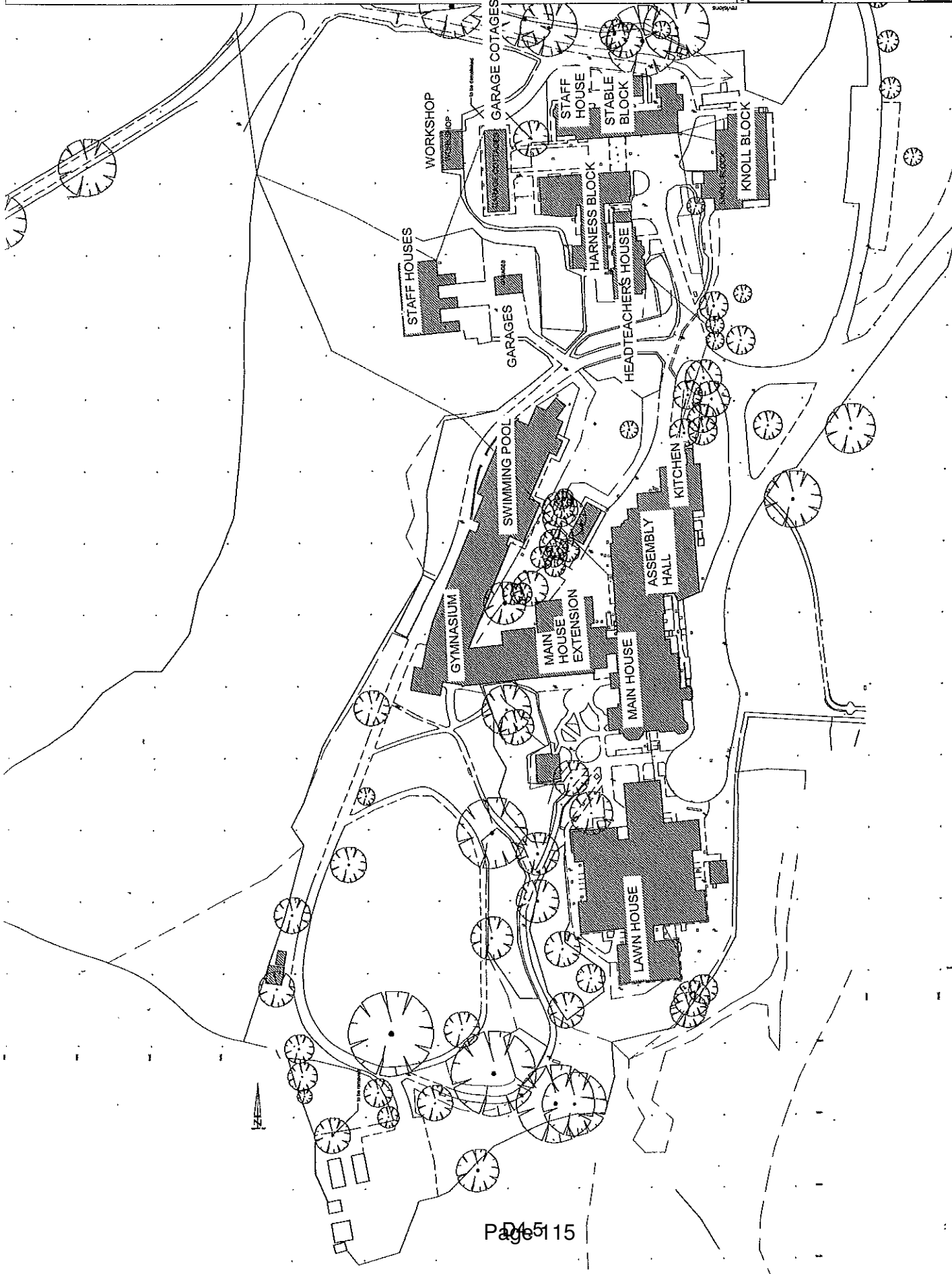
Do not scale from this drawing  
 Report any discrepancies to the Architect  
 Check dimensions on site prior to starting work

VALENCE SCHOOL  
 WESTERHAM  
 TEACHING & TOP LAWN

11 CALVERT PARK  
 TUNBRIDGE WELLS  
 KENT  
 TN11 2ST  
 Tel: 01893 5007  
 Fax: 01893 51079  
 Email: info@burns-guttridge.com

BURNS  
 GUTTRIDGE  
 PARTNERS  
 Chartered  
 Architects

Drawn By: 1/500  
 Date: PD  
 February 2007  
 Drawing Number: 2504 / 48  
 Rev:



EXISTING SITE LAYOUT

**NOTES**

- Do not scale from this drawing
- Report any discrepancies to the Architect
- Check dimensions on site prior to starting work

No.	Date	Description
D	25.08.07	Revised 2 / 3 removed and Top Lines path re-designed PD
C	7.06.07	Revisions received PD
B	26.04.07	Revised to suit new site layout PD
A	18.02.07	Amendment submitted for clarity PD

**VALENCE SCHOOL  
WESTERHAM  
NEW ACCOMMODATION**

**11 CALVERLEY PARK  
TUNBRIDGE WELLS  
KENT  
TN1 2SJ**

**CHERRIED  
ARCHITECTS**  
TEL: 01892 32077  
FAX: 01892 31199  
e-mail: enquiries@cherried.co.uk

Drawing Title:

**PROPOSED SITE PLAN  
TREE REMOVAL, DEMOLITION  
AND SITE IDENTIFICATION**

Scale: 1 / 500  
Drawing No: PD  
Date: January 2007



**PROPOSED SITE LAYOUT**

**NOTES**

- Do not scale from this drawing
- Report any discrepancies to the Architect
- Check dimensions on site prior to starting work

11/01/07  
 20/02/06  
 7/12/06

Client: Valence School  
 Date: 11/01/07  
 Description: Teaching Accommodation

**VALENCE SCHOOL  
 WESTERHAM  
 TEACHING ACCOMMODATION**

**ROBERTS  
 GUTHRIE  
 PARTNERS**  
 11 CALVERLEY PARK  
 TUNBRIDGE WELLS  
 KENT  
 TN1 2SJ  
 TEL: 01893 33077  
 FAX: 01893 31979  
 Chartered Architects  
 email: enquiries@robertsguthrie.co.uk

**NEW TEACHING BLOCK  
 KNOLL BLOCK EXTENSION  
 PROPOSED SITE PLAN**

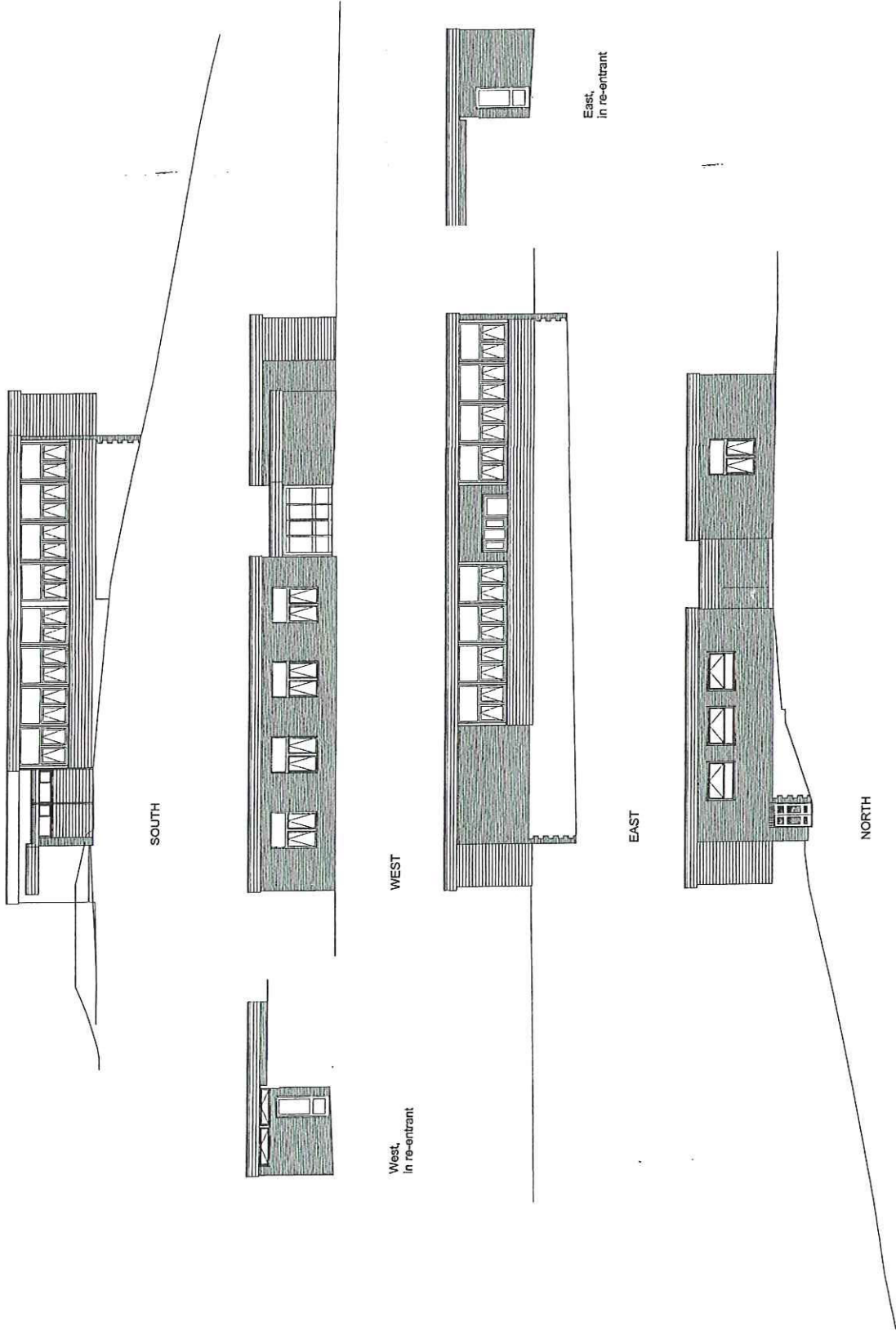


**LAYOUT OF PROPOSED TEACHING ACCOMMODATION**

**NOTES**

- Do not scale from this drawing
- Report any discrepancies to the Architect
- Check dimensions on site prior to starting work

Materials:  
 Facing brick walls to match adjacent  
 Flat roof in tree layer felt with upvc parapet details to match adjacent  
 Colour coated aluminium windows and external doors



**ELEVATIONS OF EXTENSION TO KNOLL BLOCK**

<p>Job Title: <b>VALENCE SCHOOL WESTERHAM</b></p> <p>Date: <b>24 FEB 2007</b></p> <p>Drawn By: <b>PD</b></p> <p>Scale: <b>1/100</b></p> <p>Date: <b>January 2007</b></p>	<p>11 CALVERLEY PARK              TUNBRIDGE WELLS              KENT              TN11 2SJ</p> <p>Chartered              Architects</p> <p>TEL: 01892 520377              FAX: 01892 511979              e-mail: enquiries@barnespartners.co.uk</p>
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**NOTES**

- Do not scale from this drawing
- Report any discrepancies to the Architect
- Check dimensions on site prior to starting work

Materials:  
 Buff facing brick walls to match  
 Buff facing brick adjacent with contrasting  
 cills and red facing brick bond courses  
 Floor cement slate roofs with  
 timber fascias, verges and soffits  
 Colour coated aluminium windows and  
 external doors



Rev	Date	Description
1	21.08.07	Information added to these plans and add notes PD

Job Title:  
**VALENCE SCHOOL  
 WESTERHAM  
 TEACHING ACCOMMODATION**

**BURNS  
 CULTURAL  
 PAINTERS**  
 11 CALVERLEY PARK  
 TUNBRIDGE WELLS  
 KENT  
 TN1 2SF  
 TEL: 01892 20377  
 FAX: 01892 31979  
 Architects  
 e-mail: enquiries@burns-painters.co.uk

Drawing No:  
**NEW TEACHING BLOCK  
 ELEVATIONS**

Scale: 1 / 100  
 Date: December 2007

**ELEVATIONS OF NEW TEACHING BLOCK**

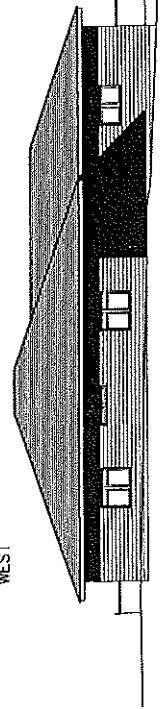
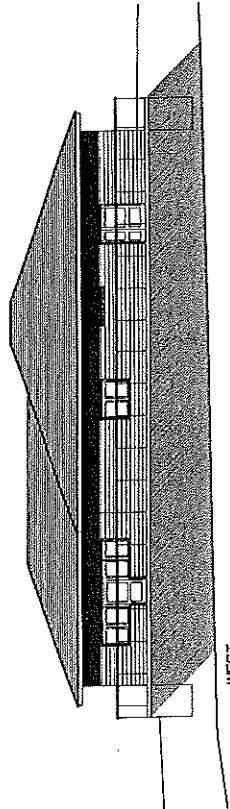
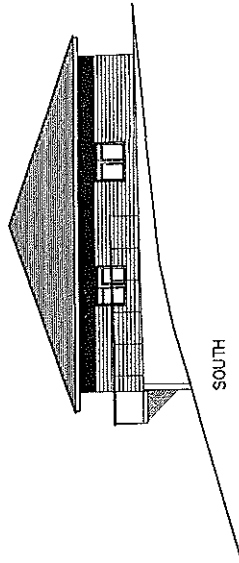
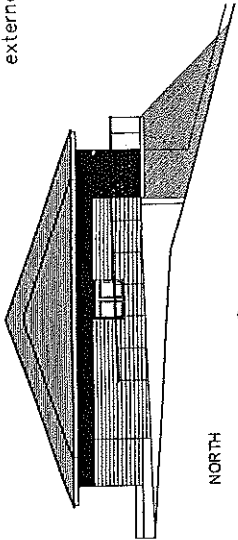


LAYOUT OF PROPOSED RESIDENTIAL ACCOMMODATION

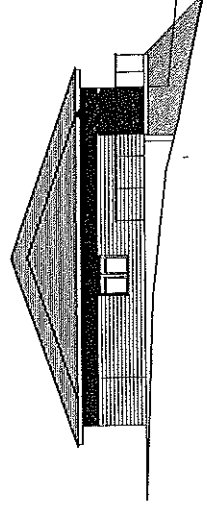
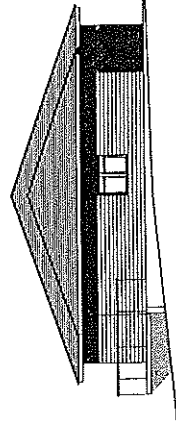
**NOTES**

- Do not scale from this drawing
- Report any discrepancies to the Architect
- Check dimensions on site prior to starting work

**Materials:**  
 Horizontal feather edge timber boarding to walls  
 Western Red Cedar shingle roofs with timber fascias and soffits  
 Timber windows and external doors  
 Timber decking and colour coated mild steel railings to external walkways



BLOCK 1, EAST



SOUTH

NORTH

EAST

BLOCK 2 / 3, WEST

**TYPICAL ELEVATIONS OF RESIDENTIAL ACCOMMODATION**

Rev	Date	Description
C	10.04.07	Revised external PD
D	10.02.07	Revised section to full revised site layout PD
C	20.04.07	Revised section to full revised site layout PD
B	16.02.07	Revised north and south elevations
A	20.01.07	External north and south elevations

**VALENCE SCHOOL  
 WESTERHAM  
 RESIDENTIAL BLOCKS**

**RUFFENS  
 GUTHRIE  
 PARTNERS**  
 11 CALVERLEY PARK  
 TORBRIDGE WELLS  
 KENT  
 TN1 2SJ  
 Chartered  
 1000 3000 31000  
 Architects  
 email: enquiries@ruffensguthrie.co.uk

Scale:	1 / 100	Drawn By:	PD	Date:	January 2007
TOP LAWN SITE BLOCKS 1/2 & 3 PROPOSED ELEVATIONS					

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15. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The adopted 2006 **Kent & Medway Structure Plan**:

- Policy SP1 States that the primary purpose of Kent's development and environmental strategy will be to protect and enhance the environment and achieve a sustainable pattern and form of development.
- Policy SS2 Within the Green Belt there is a general presumption against inappropriate development. New building should accord with the provisions of PPG2 and Annex B of PPG3.
- Policy QL1 Requires that all development should be well designed and be of high quality. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings. Development which would be detrimental to the built environment, amenity, functioning and character of settlements or the countryside will not be permitted.
- Policy QL9 Development will not be permitted which would have an adverse impact upon the historic and archaeological importance, landscape character and physical appearance of historic landscapes, parks and gardens. Historic landscape features and the settings and views into and out of, historic landscapes, parks and gardens will be protected and where possible enhanced.
- Policy QL11 Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres, particularly where services are deficient.
- Policy EN1 Kent's countryside will be protected, conserved and enhanced for its own sake. This is important for the social, economic and environmental wellbeing of Kent. Development in the countryside should seek to maintain or enhance it. Development which will adversely affect the countryside will not be permitted unless there is an overriding need for it which outweighs the requirement to protect the countryside. Development so permitted should include appropriate mitigation and/or compensation.
- Policy EN3 Seeks to protect, conserve and enhance Kent's landscape and wildlife habitats.
- Policy EN4 Protection will be given to the nationally-important landscapes of:
- the Kent Downs and High Weald Areas of Outstanding Natural Beauty; and
  - Kent's Heritage Coast between Kingsdown and Dover and between Dover and Folkestone.
- The primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty. Major commercial, mineral or transport infrastructure developments will not be permitted unless it can be demonstrated that:
- (a) there is a proven national interest
  - (b) there are no alternative sites available or the need cannot be met in any other way; and
  - (c) appropriate provision can be made to minimise harm to the environment.
- Other development which would be detrimental to the natural beauty, quality and character of the landscape and quiet enjoyment of the

**New teaching and residential accommodation, Valence School,  
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- area will not be permitted. Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty and Heritage Coast.
- Policy EN5 The primary objective of designating Special Landscape Areas is the protection, conservation and enhancement of the quality of their landscapes, whilst having regard to the need to facilitate the social and economic well-being of the communities situated within them.
- Policy EN8 Wildlife habitats and species will be protected, conserved and enhanced. Development likely to have an adverse effect, directly, indirectly or cumulatively, on important habitats or species, will not be permitted unless the adverse impact on an important nature conservation resource can be adequately mitigated and/or compensated.
- Policy EN9 Seeks to maintain tree cover and the hedgerow network. Additionally, states they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats. Ancient and semi-natural woodland will be protected and, where possible, enhanced.
- Policy NR5 The quality of Kent's environment will be conserved and enhanced, including the visual, ecological, geological, historic and water environments, air quality, noise and levels of tranquillity and light intrusion.
- Policy TP19 Development proposals must comply with the respective vehicle parking policies and standards adopted by Kent County Council and Medway Council.

(ii) The adopted 2000 **Sevenoaks District Local Plan:**

- Policy EN1 Proposals for all forms of development and land use must comply with the policies set out in the Plan, unless there are overriding material considerations, and the following criteria:-
- The form of the building to be compatible with other buildings and the design to be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.
  - The layout should respect the topography of the site and retain important features including trees and hedgerows, new landscaping features will be required in appropriate cases.
  - Development should not have an adverse impact on the privacy or amenities of a locality.
  - The development does not result in the loss of important buildings or related spaces.
  - A satisfactory environment for future occupants.
  - A satisfactory means of access and provision of parking to the required standards.
  - Appropriate facilities for those with disabilities.
  - Measures to deter crime to be incorporated.
  - Requirements of statutory undertakers and service providers to be met.
  - The proposed development does not create unacceptable traffic conditions on the surrounding road

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- network and is located to reduce where possible the need to travel.
- The proposed development is planned and designed so as to have regard to water and energy conservation and to avoid or minimise pollution.
  - The application to be accompanied where appropriate by a planning statement describing the environmental and physical impact of a proposal on a locality and measures that will be undertaken to mitigate the impact.
- Policy EN6 Development which would harm or detract from the landscape character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty will not be permitted.
- Policy EN7 Development within the North Downs and Greensand Ridge Special Landscape Areas will be permitted only where it would cause no significant harm to the landscape character of the area.

**Consultations**

**16. Sevenoaks District Council:** comment as follows:

"The land lies within the Green Belt where strict policies of restraint apply. The proposal would be inappropriate development harmful to the maintenance of the character of the Green Belt, and to its openness. This conflicts with policy SS2 of the Kent & Medway Structure Plan 2006 and policy GB2 of the Sevenoaks District Local Plan.

The proposal would be an intrusive form of development in the countryside and therefore harmful to its character. This conflicts with policies EN1 and EN3 of the Kent & Medway Structure Plan 2006 and policy EN1 of the Sevenoaks District Local Plan.

The land lies within an Area of Outstanding Natural Beauty. The proposal would detract from the character and appearance of that area. This conflicts with policy EN4 of the Kent & Medway Structure Plan 2006, and Policy EN6 of the Sevenoaks District Local Plan.

The land lies within a Special Landscape Area. The proposal fails to give long term protection to the landscape and would harm its character. This conflicts with policy EN5 of the Kent & Medway Structure Plan 2006 and policy EN7 of the Sevenoaks District Local Plan.

The proposed development would result in the loss of mature trees. The trees form a prominent feature of the locality and contribute to the character and appearance of the area. The loss of trees would detract from the character and appearance of the locality. This conflicts with policies EN1 and EN12B of the Sevenoaks District Local Plan and policies EN9 and QL1 of the Kent & Medway Structure Plan 2006.

The adjacent KCC site has been identified as surplus to requirements and comprises previously developed land. Redevelopment of that site should be considered in advance of development of open land, which has not been previously developed in the Metropolitan Green Belt, in accordance with the principles set out in PPG2 and PPS3."

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*(NB. Policies EN12A and GB2 of the Sevenoaks District Local Plan referred to above were not included in the saved policies applicable beyond the 27 September 2007.)*

*Further views are awaited from the District Council on the amended details of the proposal and the report on Green Belt Policy setting out the applicant's case for Very Special Circumstances. These will be reported at the Committee Meeting.*

**Westerham Parish Council:** acknowledges that the proposal is in breach of Sevenoaks District Local Plan Policy GB2 and considers the proposal to be inappropriate development. On that basis it considers that the application should be called in by the Secretary of State. The Parish Council is sympathetic to the needs of the current residents and pupils of this facility, and the requirements of the County Council to improve and extend its services to meet those needs.

It states that, nevertheless the school is situated within the Green Belt, and an AONB, and must comply with statutory obligations and policy as laid down in the Kent and Medway Structure Plan and the Local Plan.

In more specific terms, the Parish Council would be minded to accept the proposals to rebuild (demolish) the Garage Cottages, and to build the new teaching block, which would meet the County Councils educational obligations. The Parish Council has more concern with the proposed residential accommodation and does not think that sufficient evidence has been provided to demonstrate exceptional need and this element should be declined under Sevenoaks District Local Plan Policies GB2, GB4, GB5 and EN8.

*(NB. Policies GB2 and GB4 of the Sevenoaks District Local Plan referred to above were not included in the saved policies applicable beyond the 27 September 2007. Neither policy GB5 that relates to sites identified as Major Developed Sites within the Green Belt nor EN8 that relates to Areas of Local Landscape Importance is relevant to this particular site.)*

*Further views are awaited from the Parish Council on the amended details of the proposal and the report on Green Belt Policy setting out the applicant's case for Very Special Circumstances. These will be reported at the Committee Meeting.*

**The Environment Agency:** raises no objection but has provided advice with regards to foul and surface water drainage (including use of soakaways) and groundwater protection.

It also recommended that prior to determination, a desktop study be carried out with regards to potential contaminated land. The applicant subsequently provided details of site investigations to the Environment Agency, which has agreed in principle the recommendations and analysis of risks and liabilities detailed. However it has sought further clarification on some of the contaminants found (possible from road pavement materials) in 2 of the trial pits for further comment. It states that any relevant condition should not be discharged until all the works are complete and a closure report submitted. In addition, it states that further clarification should be sought from the Local Authority Environmental Health Officer with respect to issues related to harm to human health. Advice on carrying out works in dealing with contaminants is also set out in its response.

**The Civil Aviation Authority:** raises no objection.

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**The Divisional Transportation Manager:** raises no objection. He notes that the number of pupils on the roll and the number of staff are unlikely to increase, and that the purpose of the application is to improve the accommodation. The number of students within the residential accommodation would increase from 50 to nearer 75, which would decrease the amount of traffic generated by day pupils. It is considered that parking is adequate for the site.

**The County Archaeologist** requests that conditions be placed on any grant of planning permission to secure the implementation of programmes of archaeological work and building recording, in accordance with written specifications and timetables.

**County Landscape Adviser** initially commented (in summary) that “whilst views of the site are generally constrained by its wooded nature and topography, the primary landscape issues in this case are the impacts that the proposals would have on the AONB and the character of the historic parkland. These impacts should have been quantified as part of the applicant’s landscape and visual assessment. It is considered that the general locations of the buildings are acceptable around the perimeter of the lawn; however the design as proposed would be unacceptable in the AONB landscape as outlined in the Countryside Agency’s guidance. A more imaginative approach reflecting the character the area would be more appropriate.”

In response to the amended details of the proposal and updated report on Landscape and Visual Effects the County Landscape Adviser has commented as set out below:

In the context of the AONB has highlighted those parts of Structure Plan Policy EN4 relevant to this application and the context in which her comments are made, being:

- The primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty.
- Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty.

**“Applicant’s Assessment of Landscape and Visual Effects**

The Landscape and Visual Effects Second Addendum is still primarily focused on views rather than impact of the proposals on the landscape itself. By nature there are few visual receptors in the AONB as it predominantly a rural area. Whilst the visual impact assessment addresses concerns from those who may potentially have views of the development, the applicant fails to focus on the significance of effects on the landscape and hence justify the proposals against the AONB policy. This was identified as a primary landscape issue in my previous comments.

My own brief assessment would be that as a nationally designated landscape the Kent Downs AONB is considered of **high** value. The site itself is typical of the character of this part of the AONB (Greensand Ridge). Both the Landscape Assessment of Kent and the Sevenoaks District Countryside Appraisal identify the area as being in good condition and recommend a policy of conserve. Using the applicants Appendix 1 as a guide, the **high** sensitivity of the landscape provided by its designation balanced against the magnitude of change (**medium**: ‘e.g. moderate changes in a localised area’) gives an overall assessment of the proposals having a **Moderate to Substantial Effect** on the landscape. Given the significance of this effect the applicant needs to demonstrate that the proposals meet the provisions of the AONB policy as underlined (quoted) above.



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**Comments on Proposals**

The applicant has probably gone as far as they can within the constraints they have set themselves with regard to the building types and layout. I have no objection to the principle of realigning the path around the top lawn, and the layout and change of materials offer an improvement over the previous submission.

However whilst they have endeavoured to integrate the buildings into the site in such a way as to reduce their visual impact, they are neither characteristic in scale, design or layout with the vernacular architecture of the AONB, nor offer much interest with regard to innovation or creative design. Thus the development unfortunately falls short of the AONB policy's aspiration to 'enhance' the landscape and, whilst it mitigates its impacts, it will not leave a lasting legacy in this nationally important and historic landscape.

Should the proposals be accepted and, if it were possible within the constraints of the planning system, it would be in the landscape interest to impose a condition that the buildings should be removed and the landscape reinstated if at some time in the future they were no longer fulfilled their planned purpose. This would help ensure that they would not contribute to the incremental erosion of the landscape character or set a precedent for future development, and this would provide the AONB with long term protection.

Again if the planning authority is minded to approve the application I would reiterate my previous comments:

The proposals as submitted do not show construction impacts or service runs for utilities, therefore it has not been possible to assess any temporary or permanent effects these may have on the landscape or individual trees. These should be submitted prior to making a decision to ensure the full impact is known.

If the application were to be approved it would be necessary to receive the following prior to construction:

- detailed landscape proposals including layout, species, size, density
- details and colours of external materials for buildings, hard landscape elements.

A condition should also be imposed that all tree works are undertaken in accordance with BS5837:2005 'Trees in Relation to Construction'."

**Local Member**

17. The local County Member, Mr Richard Parry, was notified of the application on the 18 June 2007.

**Publicity**

18. The application was publicised by an advertisement in a local newspaper and the posting of a site notice, which noted that the application was a departure from the Development Plan in view of the site's location within the Metropolitan Green Belt. 49 residential and business properties in the vicinity of the school were also notified of the application. The 4 residents who raised objections to the proposal were also notified of the amendments.

**New teaching and residential accommodation, Valence School,  
Westerham – SE/07/1914**

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**Representations**

19. 6 letters of representation were received from 4 neighbouring properties objecting to the proposals. The main comments/points of concern and objection can be summarised as follows:
- Object in the strongest terms to the proposed siting of residential accommodation on the extreme edge of the Valence Estate, on the top of a ridge;
  - The residential accommodation would look down on neighbouring residential properties;
  - Objection is raised to the removal of numerous trees, and concern is expressed that the siting of the development, in close proximity to trees, would lead to further tree removal in the future;
  - The site is within the Green Belt, and Area of Outstanding Natural Beauty and a Special Landscape Area. The development is not sited or designed in a way which respects the site and its setting;
  - The development would be widely visible, and would severely damage the historic landscape;
  - The development is contrary to Government and Local Authority guidance and policy;
  - An alternative location for the residential element of the development should be found, such as the grassy slopes adjacent to the main access drive;
  - Substantial screening of the development is required, which may necessitate minor changes to the siting of the buildings;
  - Concerns are raised over the accuracy of the school boundary/ownership as shown on the plans;
  - Concern is expressed over the dangers caused by traffic exiting Valence School, down a lane and onto the A25. It is requested that traffic calming measures are put in place along the lane to reduce the risk of accidents; and
  - Support for the work of the school is also expressed.
20. In addition, a letter of support has been received. It is stated that the proposed development would:
- Enhance the work of Valence School;
  - Create new buildings, fit for purpose for disabled children who attend the school; and
  - Provide new residential accommodation which carefully blends in with the surrounding landscape.
21. I have received one letter in response to notification of the amended details of the proposal which includes the following comments:
- The cost of rotating blocks 2/3 by about 8 metres to the east would be significantly increased by the realignment of the site road over a length of 80 metres. The change would give no relief to the damage caused to the AONB to the west and in his opinion makes matters worse.
  - Appreciates that these new blocks are necessary but reiterates his objection that block 2/3 is located only 2 metres from his boundary. Does not consider it is possible to provide effective screening in this narrow space and the building would be clearly visible from the otherwise unspoilt area of Green Belt. Also considers that it would be contrary to the policy that states development which would harm or detract from the landscape character of the AONB will not be permitted.

**New teaching and residential accommodation, Valence School,  
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- Suggests moving the block about 16 metres northwards with Block 1 moving a little less. As a Civil Engineer he considers that the cost of foundations on steeply sloping ground would be less than the cost of diverting the road. Considers that this amendment would have no adverse effects for the School and would allow proper tree screening and make the development more acceptable. Asks the Committee to demand this change.

**Discussion**

Introduction

22. Although the existing use of the land to accommodate school buildings and activities is well established there are a number of issues arising from the proposed development. These include its impact on the Metropolitan Green Belt, Area of Outstanding Natural Beauty, Special Landscape Area and the Historic Park and Garden. These impacts needs have to be considered in the context of the Planning Policies, referred to in paragraph 13-15 above, and other material planning considerations arising from consultation and publicity.

Green Belt considerations

23. It will be noted that the whole of the school site is within the Metropolitan Green Belt. Therefore in the context of the relevant National Planning Policy and Development Policies that apply, set out in paragraphs 13-15 above, consideration needs to be given to whether or not the proposal involves inappropriate development and whether or not there are very special circumstances that would warrant setting aside the general presumption against the development.
24. As indicated in paragraph (12) above the applicant has now submitted a more detailed report specifically to address the application of Green Belt policy to the proposed development. It considers the proposed development as being compliant with paragraph C17 of PPG2, being a school occupying a major developed site not yet identified in a development plan, where subject to criteria, infilling or redevelopment is proposed. The criteria relate to whether or not it would, have any increase in impact on openness, exceed the height of existing buildings or occupy a larger area of the site. In terms of openness, whilst it considers that the extension to the Knoll Block and the new teaching block would not have an increased impact on openness it acknowledges that the new residential buildings would and therefore the development becomes inappropriate on this ground. With regard to height it notes that the proposals do not exceed the height of existing buildings. In respect of footprint, it is stated that there would be a net increase, in footprint of all the proposed works, of 26% (1704m<sup>2</sup>), and the proposal is therefore inappropriate on this ground. The report goes onto consider whether very special circumstances exist that outweigh the policy presumption against inappropriate development and includes an evaluation of alternative solutions. The report includes the following summary and conclusions:

**“Very Special Circumstances**

There is no policy guidance on very special circumstances and the range of potential circumstances is wide, comprising a need or combination of needs that cannot be met except in Green Belt.

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**The Need for the Development**

Evidence has been presented showing that the needs of the Valence School pupils have changed dramatically over 10 years. The proportion of pupils with complex social and educational needs has risen from 12% to 66%. Powered wheelchair use has similarly increased. Pupils with high and total care needs now predominate at 37% and 55% respectively (2007). All of these changes require better buildings but these are not yet available.

The current buildings and what they deliver in terms of national criteria have been audited by the Commission for Social Care Inspection. The 2006 inspection report raises significant health and safety concerns. It states that boarders' needs in terms of safety, independent access, privacy and dignity are either unmet or compromised. These shortfalls and their adverse impacts, together with the clearly expressed urgency for action amount to very special circumstances capable of outweighing the presumption against inappropriate development in Green Belt.

Under the inspection regime there is a real possibility that Valence School will have to close unless these deficiencies are addressed in 2007. The consequences of closure are highly adverse. They include dislocation of the education of pupils who are most in need of continuity, disruption and uncertainty to the lives of pupils and their families, removal of access to multidisciplinary and specialist services currently clustered at the school, loss of 180 jobs and problems for the education authority in meeting its legal duties.

Collectively these amount to a very special set of circumstances capable of outweighing the presumption against inappropriate development.

**Alternative Solutions**

The range of alternatives examined is:

- Split site (off site residential campus)
- Whole school relocation

Consideration has been given to re-use of developed sites as well as new development.

The Split Site Alternative involves heavy use of transport for boarders. This will take so long that the working day, after hour clubs and general independence of boarders will be severely affected. The proposal would undermine equality of access to education services and would impact on a vulnerable group of people, some with life-limiting medical conditions. Staffing would need to increase and the greater dependence of pupils is contrary to Government policy. In terms of good town planning practice this is so unacceptable that it should not be allowed to happen. For this reason alternative sites [for split site use] are not contemplated. Transport sustainability is particularly poor in this alternative although other energy usage would be similar to that in the current proposal. The sequence of events leading to occupation of an off-site residential campus would take 3 to 4 years at the end of which, Lawn House could be refurbished, taking 18 further months. The school will have closed during this time. This alternative is both undesirable and undeliverable within a reasonable time.

The Whole School Relocation alternative prefers an area of territory that will retain the current day pupil catchment, so minimising loss of pupils and specialist staff. A wider area has however been examined. The methodology excludes Green Belt and countryside sites. The supply of available sites amounts to one part of one site, out of five sites examined. Two sites are so far away that day pupils will not be able to attend and most if not all skilled staff will not be able to travel there, thus losing their jobs and removing their skills from the school. For cost reasons however this option is not feasible. Planning permission will be difficult to achieve on sites allocated for business or housing use. The school will have closed during the 4 to 5 years acquisition and development process. This alternative is not deliverable within any relevant timescale.

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**Conclusions**

The planning application development is inappropriate in the Green Belt.

There are very special circumstances capable of outweighing the policy presumption against inappropriate development set out in PPG2 - Green Belts. These will not set a precedent as they are not repeatable on other sites.

On this basis the case for granting planning permission is sound in Green Belt policy terms."

25. The applicant has also provided a statement on the Mountwood/Horizon site which adjoins the school site to the north east, in view that the District Council had specifically referred to the possibility of it being used. The applicants concluded that site is not suitable for several reasons. As a residential campus it would be completely unacceptable for the School to have a split site for the reasons set out in the summary above. With regard to Whole School relocation it is much too small, and as a Green Belt site it would raise the same inappropriateness issues as the current site.
26. Overall I accept the applicant's assessment and application of Green Belt Policy set out in the submitted report, as summarised above. The development would clearly be inappropriate development and in the case of the residential accommodation would, in my view, significantly impact on the openness of the Green Belt. Nevertheless, I consider that very special circumstances have been demonstrated in this particular case for overriding Green Belt policy constraints. Accordingly I do not consider that an objection on the basis of the effects of the proposed development on the openness of the Green Belt would be warranted. However, if Members were minded to grant permission, the application would have to be referred to the Secretary of State for Communities and Local Government for consideration. This is required under The Town and Country (Green Belt) Direction 2005 because the proposal involves inappropriate development that would significantly impact on the openness of the Green Belt. The impact of the development on/potential harm to the landscape is dealt with below

Landscape

27. The school site is set within an historic park and garden and although not one that is registered with English Heritage its parkland character makes an important contribution to the landscape setting as a whole with its varied topography, large open grassed areas, landscaped areas with specimen trees and wooded boundaries. It is also located within an Area of Outstanding Natural Beauty (AONB) and a Special Landscape Area (SLA) as acknowledged elsewhere in the report and therefore its landscape is subject to strong planning policy protection, i.e. the landscape policies set out in paragraph 14 – 15 above. Arguably the key Development Plan Policy is Structure Plan Policy EN4 (*quoted in full in paragraph 15 above*), which accords with the objectives of PPS7, is more comprehensive than Local Plan Policy EN6, and affords a higher degree of protection than those policies relating to Special Landscaping Areas, historic landscapes, parks and gardens or the countryside more generally. In my view, bearing in mind the nature, extent and purpose of what is proposed, the relevant parts of policy EN4 against which the application must be assessed are where it states: *"the primary objective in these areas will be to protect, conserve and enhance landscape character and natural beauty,"* and the last sentence, *"Development that is essential to meet local social or economic needs should be permitted provided that it is consistent with the purpose of Areas of Outstanding Natural Beauty."* [The purpose of AONB's being, in essence, to protect, conserve and enhance their landscape character and natural beauty.]

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28. Since the proposal involves new buildings and removal of trees there would inevitably be changes to the landscape itself and to a greater or lesser extent to views to, from and within the site. The location of the proposed buildings has been broadly influenced by the way in which the school accommodation is organised between teaching, communal, administrative and residential. However the options have been further limited by the physical characteristics of the site and the need to respect its setting, landscape and historical context.
29. In terms of the landscape/visual impact, the teaching accommodation is more straightforward. First, the single storey extension to the Knoll Block involves, in effect, infilling and squaring off an existing building with no additional impact on the landscape. Secondly, the new two storey teaching block would be built over the footprint of the demolished cottages forming a quadrangle with existing buildings. Although it would be higher, have a larger footprint and bulk, and would result in removal of a tree and a hedgerow, I do not consider it would have a significant impact on the landscape, particularly as the landform, surrounding trees and buildings would provide a degree of enclosure.
30. Given the various constraints of the site the residential accommodation has been more difficult to locate and for operational reasons required a location in close proximity to other residential accommodation and the main house. This has resulted in the proposal on the edge of the top lawn on the upper south western part of the site for four single storey blocks, two double and two single, to provide accommodation for 36 pupils. The two buildings to the western side of the lawn are on the ridge of land which slopes away and would result in the need to remove a number of trees as indicated on the proposed site layout drawing. In addition, the path around the lawn would need to be realigned. The other two buildings would result in only one or two trees being removed. Several garages, sheds and greenhouses would also need to be removed. *(Although it was mentioned at the Members' Site Meeting that some of the trees affected were covered by a Tree Preservation Order I now understand from the District Council that this is not the case. The Tree Preservation Order related to a different unaffected area of the site.)*
31. Clearly the removal of trees and the provision of buildings on this higher part of the site would have an impact on the landscape and setting of the site. The applicant has sought to mitigate the impact with low level buildings and careful siting to minimise tree loss whilst at the same time retaining the top lawn which is an important component of the original house and gardens. Proposals for new landscaping and woodland management have also been put forward. Suggestions from a local resident to move the buildings to the west side of the lawn, northwards to allow more space for new planting adjoining his boundary, would result in the loss of a significant beech tree which the applicant has sought to retain. The landscape proposals include a native hedge on this boundary with hedgerow trees although the space is limited.
32. Bearing in mind the sensitive nature of the landscape context and potential impact of the proposed development, particularly the residential blocks, the applicant has submitted reports dealing with the landscape and visual effects, as referred to above. The County Landscape Adviser has considered the proposal, in the light of those reports, including the details of it as now amended. The comments and assessment made set out in paragraph (16) above will be noted. In particular, she considers that the development would fall *"short of the AONB policy's aspiration to 'enhance' the landscape and, whilst it mitigates its impacts, it will not leave a lasting legacy in this nationally important and historic landscape."* Therefore if this view is accepted, whilst

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it could be argued that the development is essential to meet local social needs, it would not be consistent with the purpose of Areas of Outstanding Natural Beauty. As such it would be contrary to the relevant Planning Policies.

33. There is no disputing the high landscape quality and character of this particular part of the AONB and its sensitivity to change. The issue about the design of the buildings is less clear cut. The proposal is for low level, unassuming design with dark stained timber cladding and cedar shingle roofs. The internal planning, practical requirements, size and amount of accommodation have somewhat limited the opportunities for an innovative solution, such as a curved building that takes advantage of the site contours and features. There is also, to a certain extent, a fine line between what might or might not enhance the landscape since arguably the landscape would be better without any additional buildings in this particular case.
34. On the other hand, I consider there is a demonstrable need that I have already accepted in respect of the Green Belt Policy considerations, which also outweighs the potential conflict with the proposal falling short of enhancing the AONB, as discussed above. I am also mindful that the applicant has endeavoured to integrate the buildings into the site in such a way as to reduce and mitigate their visual impact. On balance therefore, subject to implementation of the proposed landscaping and woodland management, and measures to protect the retained trees during construction, I would not raise a landscape policy objection to the proposal. Members will note the suggestion of our Landscape Adviser to impose a condition requiring the buildings to be removed when they are no longer needed. Whilst I understand the intention of it, in my view, such a condition would not be appropriate if in granting planning permission, the proposed buildings are considered to be acceptable.

#### Design

35. Development Plan Policies, require development to be well designed and to respect its setting. In broad terms, the siting and design have been discussed above in the context of the landscape considerations. In terms of appearance, the teaching accommodation seeks to respond to the context of existing buildings and proposes use of materials in keeping with them. The design of the new teaching block has been amended in response to comments made by our Conservation Architect to respond better to the form and style of the existing buildings. Subject to the final selection of materials being reserved for approval by condition, I consider that the design of the teaching accommodation would be acceptable and in accordance with the Development Plan policies.
36. With regard to the residential accommodation, on the basis of my conclusion on the Landscape Policy issues, I would not raise an objection to the design of those buildings. I consider that the proposed use of timber roofing, fascias, soffits, cladding, windows and doors, and decking is appropriate and these could be controlled by condition, with the final selection of any colour treatment and finishes being reserved for approval.

#### Impact on residential amenity

37. The nearest residential properties are those within the school site which are occupied by staff or pupils and there are no issues of loss of amenity. The proposed residential blocks are within a few metres of the site boundary with adjoining land but neighbouring residential properties are at some distance. As such they would not, in

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my view, be directly affected and there would not, for example, be an issue of any of these properties suffering loss of privacy from being overlooked. Although some concern has been raised about being able to see the proposed residential accommodation, where these are private views it is not a material planning consideration.

External lighting

38. No details have been provided on external lighting for the development at this stage. It is likely that it would be required for the convenience and safety of site users, and site security. In view of the potential impact of such lighting on the wider landscape setting, if permission is granted, it would be appropriate to reserve details by condition so that the type and position of the external lighting can be controlled to ensure light pollution can be minimised and to accord with Structure Plan Policy NR5.

Transport and access issues

39. There is not intended to be any change to the numbers of staff or pupils as a direct result of this proposal. The Divisional Transportation Manager has not therefore raised an objection to the proposal. However a neighbouring resident has raised concern about the traffic using the school exit road and requested traffic calming is put in place. Whilst I do not consider that there is any basis for it to be required as part of this proposal, I understand that the School are prepared to consider this separately.

Archaeology

40. The County Archaeologist has asked that if planning permission is granted that conditions are imposed securing the implementation of programmes of archaeological work and building recording (of the cottages to be demolished) before development takes place. Otherwise there are no archaeology issues at this stage.

Drainage and protection of water resources

41. No details of drainage for the new development have been provided at this stage. If planning permission is granted foul and surface water drainage could be reserved by condition and the Environment Agency consulted to ensure that it meets its requirements. The Environment Agency has asked for clarification on some contaminants found from ground investigations and suggested that further clarification should be sought from the Local Authority Environmental Health Officer with respect to issues related to harm to human health. I am following these matters up. If Members were minded to grant planning permission, this issue should be addressed/resolved in consultation with the Environment Agency prior to any decision being issued. Its advice relating to drainage, groundwater protection and how to deal with contaminants could be covered by an informative.

Ecology

42. Following on from initial surveys of the areas affected by the development for protected species more detailed surveys have been carried out which have determined that reptiles, badgers, bats, dormice and birds would be affected by the proposed development. Outline mitigation proposals have been included in the reports on ecology but final proposals have not been received. Some mitigation is reflected in the proposed landscaping and woodland management. It is already clear



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that the applicants would have to apply for a European Protected Species Licence in respect of the Bats and would possibly have to in respect of the dormice. I am continuing to consult with our ecologist and am also consulting Natural England on the survey details and proposed mitigation now more information is available. Subject to the advice received, I would expect that the proposals for mitigation monitoring and management could be covered by appropriate conditions. Similarly any reasonable requirements for biodiversity enhancement could also be covered by condition. If Members were minded to grant planning permission, this issue should be satisfactorily resolved prior to any decision being issued.

**Conclusion**

43. This proposal seeks to provide improved accommodation to meet curricular and care needs at this day and residential all age special school. The School caters for young people who have a wide range of physical disabilities, complex medical needs and associated communication and learning difficulties. It is a long established school site but its sensitive countryside location means that the proposed development has raised some key Planning Policy issues particularly in respect of its impact on the openness of the Green Belt and the Area of Outstanding Natural Beauty, as discussed above. However, I consider that very special circumstances have been established in this particular case for overriding Green Belt policy constraints in terms of the demonstrable need put forward by the applicant and the lack of alternative solutions. Similarly, I consider that the need in this particular case outweighs the reservations, discussed above, about the proposal failing to enhance the Area of Outstanding Natural Beauty, although it is considered that its impact would be substantially mitigated. Therefore, on balance, subject to satisfactory resolution of the outstanding issues on contamination and ecology, and the imposition of conditions, I am of the opinion that the proposed development would otherwise be in accordance with the general aims and objectives of the relevant Development Plan Policies. Subject to any further views received by the Committee Meeting I recommend that the application be referred to the Secretary of State for Communities and Local Government, and that subject to her decision and to satisfactory resolution of the outstanding issues, planning permission be granted subject to conditions.

**Recommendation**

44. SUBJECT TO any further views received by the Committee Meeting, I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government, and SUBJECT TO her decision and satisfactory resolution of the outstanding issues on contamination & ecology, PLANNING PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
- the standard time limit,
  - the development to be carried out in accordance with the permitted details,
  - external materials,
  - submission for approval of details, implementation and subsequent maintenance of landscaping proposals,
  - submission for approval of details and implementation of proposed woodland management,
  - implementation of appropriate tree protection measures,
  - external lighting specifications to be agreed,
  - submission for approval of specifications and implementation of programmes of archaeological work and building recording before development takes place,
  - submission for approval of details of foul and surface water drainage,

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- measures to deal with ground contamination,
- ecological/protected species mitigation, monitoring and management,
- biodiversity enhancement, monitoring and management, as appropriate, and
- measures to prevent mud and debris being taken onto the public highway.

I FURTHER RECOMMEND THAT the applicant BE ADVISED of the following informative:

- Account should be taken of Environment Agency's advice relating to drainage, groundwater protection and in how to deal with contaminants.

Case officer - Paul Hopkins	01622 221051
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Background documents - See section heading
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## Appendix to Item D4

### APPLICATION SE/07/1914 – DEMOLITION OF GARAGE COTTAGES AND ERECTION OF TWO-STOREY BLOCK; EXTENSION TO KNOLL BLOCK; FOUR NEW SINGLE STOREY RESIDENTIAL BLOCKS AND ASSOCIATED HARD LANDSCAPING WORKS AT VALENCE SCHOOL, WESTERHAM ROAD, WESTERHAM

NOTES of a Planning Applications Committee Members' site visit at Valence School, Westerham on Tuesday, 4 September 2007.

MEMBERS PRESENT: Mr R E King (Chairman), Mr J B O Fullarton, Mr C Hibberd, Mrs S V Hohler, Mr G A Horne, Mr J F London, Mr T A Maddison, Mr A R Poole and Mr F Wood-Brignall.

OFFICERS: Mr J Crossley, and Mr P Hopkins (Planning) and Mr A Tait (Legal and Democratic Services).

THE APPLICANTS: Valence School (Mr R Gooding – Head Teacher, Mr J Paul, Chairman of Governors, 6 other representatives of the Governing Body); Mr A Barwick – KCC Lead Manager Special Schools Review Implementation; Mr P Damon – Burns Guthrie (Agent); Bernice Catt – Bernard Hoskins Landscape.

OTHER LOCAL AUTHORITIES: Sevenoaks DC (Cllr K J Maskell and Mr L Simmonds – Planning); Westerham PC (Cllr Mrs L Rodgers).

- (1) The Chairman opened the meeting. He explained that its purpose was for the Committee Members to familiarise themselves with the site and to listen to the views of interested parties. He informed the meeting that Mr Parry (the local Member) had sent his apologies but would be attending the Committee meeting which determined the application.
- (2) Mr Hopkins introduced the application by saying that the site was located within the Metropolitan Green Belt, the Kent Downs Area of Outstanding Natural Beauty, the Greensand Ridge Special Landscape Area and a Historic Park and Garden. Planning Policies applied which presumed against inappropriate development and provided for environmental protection and enhancement.
- (3) Mr Hopkins then said that Valence School was a day and residential all age school for young people with a range of physical disabilities and associated communication and learning difficulties. There were currently 90 students on roll (40 day and 50 boarders) and there was no alternative provision for these students in Kent. The School employed 190 staff.
- (4) Mr Hopkins continued by saying that the recent countywide Special Education Needs Strategy Review had made proposals for new buildings in order that the School could meet the National Care Standards.
- (5) Mr Hopkins went on to describe the components of the application itself. The Garage Cottages in the northern part of the site would be demolished and replaced with a new two-storey, 8 classroom teaching block. The flat-roofed Knoll Block (east of Garage Cottages) would have an extension and internal adaptations.

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- (6) The south west corner (where the meeting was taking place) would see the construction of four single storey blocks, providing residential accommodation for 36 pupils. Preparation for this would involve clearance of the derelict greenhouses and garages, the removal of some trees (set back on the slope of the site). These buildings would be unpretentious in design with timber cladding and walkways. The low-pitched roofs would have cedar shingles.
- (7) Following consultation, the applicants had decided to mitigate the visual impact of the residential blocks by bringing one of them forward to the edge of the pathway, which would in turn be realigned. They had also agreed to provide additional information on the very special circumstances in support of the proposed development in the Green Belt.
- (8) Mr Hopkins concluded by outlining the key issues in determining the application. These were the impact of the development on the openness of the Green Belt and whether this was outweighed by the very special circumstances; the impact on the Landscape; and the design of the proposed buildings.
- (9) Mr Damon (Burns Guthrie) said that the drawings had been revised to address the concerns raised during consultation. The view of the buildings from the valley would be screened and fewer trees would need to be cut down. The amendments had been made following lengthy and fruitful discussions and the applicants now believed that the best possible design was now being put forward. He added that the objective of the redesign had been to protect the openness of the Green Belt and that locating the proposed buildings on the woodland edge would assist its management.
- (10) Bernice Catt (Bernard Hoskins Landscape) said that the double block building had been brought forward in order to maintain the trees behind it. New trees would be planted on the lawn in order to improve the view with the additional benefit of being able to take over from the older ones. The area around the proposed single blocks would be more difficult to accommodate as the woodland there had not been managed for some time. It was now intended to coppice the Sweet Chestnut, allowing the standard trees to grow up. Coppicing would take place on an annual basis. The buildings would be located behind the hedge with trees behind it. The wooden materials of the buildings would be stained with ochre to make them appropriate to the character of the surrounding land.
- (11) Mr Gooding (Head Teacher) said that the School had been established at the site since 1951. At that time none of the pupils were wheelchair users. In 2007, 85% of the pupils had wheelchairs, often outdoor-powered. The needs of the pupils had outstripped the adaptations that had been made. Lawn House had been added to the complex in 1975 and there had been a number of internal adaptations. Nevertheless, the rooms were now too small and the corridors too narrow. The accommodation did not meet new National Care Standards and consequently denied pupils their life-quality needs.
- (12) Mr Gooding went on to say that the School had attempted to get the County Council to address accommodation issues for the past 12 years. A plan had been developed in 1995, but this had now been overtaken by more complex needs which in turn required more equipment. This application represented an attempt to make the Valence School fit for purpose. Without these facilities, the School would be forced to close.

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- (13) Mr Simmonds (Sevenoaks DC Planning) said that his authority had objected to the proposal on the grounds of the planning constraints associated with the site. These were the Green Belt, Local Plan and Structure Plan policies. They were concerned about the impacts on the AONB, SLA, and the character of the countryside as well as the loss of TPO trees. It had been noted that amendments had been made and Sevenoaks would be keen to look at the application afresh if they were reconsulted.
- (14) Mr Marshall (a local Member from Sevenoaks DC) said that he recognised the value of Valence School. He believed that the School had made a good effort to address the issues of concern. He asked whether it was intended to take the trees down in stages.
- (15) Mrs Catt explained that the coppice cycle was between 7 and 25 years. The coppicing would be cut down to ground level and then allowed to grow again. This process was beneficial to wildlife and would allow new trees to grow. For this reason, some of the trees affected by the application would have needed to be removed anyway in order to provide space and light. The proposed buildings would not be visible from a distance as a result of the work that would need to be done. Only the canopy would change.
- (16) Mr Gooding said that it would not be possible to accommodate pupils at the social care centre on the A25 whilst schooling them on site. The two complexes were about 1 mile apart.
- (17) Mr Hopkins confirmed that there would be consultation on revisions to the proposal.
- (18) Mr Wood-Brignall asked for comments on the objections by local residents that the residential accommodation would overlook their properties. Mr Damon showed Members the plans to demonstrate how the applicants had attempted to address their concerns. The nearby properties were pointed out across the adjoining field.
- (19) Mr Wood-Brignall also asked the applicants to comment on the objection that the development was not sited in a way which respected the site and its setting. Mr Gooding said that following the storm in 1987, it had been possible to stand on top of the ridge and see all the way to Westerham. The coppice had grown since then. The landscape was ever-changing and of value for that reason rather than because of the particular that it took at any one time.
- (20) Mr Hibberd asked how many of the trees were the subject of TPOs. Mrs Catt replied that none of them were. She explained that the trees to be removed were the Walnut Tree and the Norwegian Spruce, but that the Beech would remain.
- (21) Mr Simmonds said that he was under the impression that the trees were the subject of TPOs. He would need to check the records in the light of Mrs Catt's comments. The Chairman asked for a paragraph in the report to Committee clarifying this question.
- (22) Mr Gooding replied to further questions from Mr Hibberd by saying that there were no listed buildings on site and that there would be no need for additional

## Appendix to Item D4

parking as the 190 staff would be on site at different times. No new staff would be employed as a result of the proposal and there would be no traffic implications arising from it.

- (23) Mr Maddison asked for a list of plusses and minuses to be provided in respect of impacts on the Green Belt.
- (24) Mr Horne asked whether the pupils had been involved in the design. Mr Gooding replied that they had been very much involved prior to the application going forward. They had not been involved in the detail but rather in discussions on the type of accommodation that was most suitable.
- (25) Mrs Hohler asked whether there would be an increase in the number of residential pupils as a result of the development. Mr Gooding replied that there would initially be no change. Any change after that would be gradual and insignificant.
- (26) In response to a question from Mrs Rogers of Westerham PC, Mr Gooding said that the site had been designated as appropriate for 120 boarders in 1951. That designation had never changed. The figure of 75 represented the maximum number that would need to be accommodated under any designation. At present there were only half that number of boarders.
- (27) Mr Wood-Brignall asked whether there was any need to provide traffic calming measures along the lane leading to the A25 and whether the Golf Club would be contributing to these. Mr Gooding explained that the traffic calming measures requested related to the School's exit road which was not used by the Golf Club.
- (28) The Chairman thanked everyone for their contributions. The notes of the visit would be appended to the Head of Planning Applications Group's report on the proposal.
- (29) Members then inspected various parts of the application site. They were shown the exact locations of the proposed residential blocks; the Knoll Block and the unoccupied Garage Cottages, which were to be demolished and replaced by a two-storey teaching block. They were informed by Mr Damon that the Conservation Architect had requested changes including raising the pitch of the roof and incorporating details of the adjoining buildings into the new one.
- (30) Members also saw the building (being renovated) behind the Garage Cottages. The ground floor would be used for storage and the upper floor as a mitigation area for bats.

**Item D5****Modular building for Children's Centre, Knockhall Community Primary School, Greenhithe, Dartford.**

A report by Head of Planning Applications Group to Planning Applications Committee on 6 November 2007.

Application by KCC Children, Families And Education for single storey modular building for Children's Centre at Knowckhall Community Primary School, Eynsford Road, Greenhithe (Ref:DA/07/672)

Recommendation: permission be granted subject to conditions

Local Member(s): Ivor Jones

Classification: Unrestricted

**Background**

1. The Planning Applications Committee considered this application at its meeting on 11 September 2007, at which the application was deferred to enable the applicant to further address the questions of car parking provision and building design. The original report is attached as Appendix 1. This report updates the position of the application since then and includes revised documentation received after the September Planning Committee.
2. As outlined in the previous report under paragraphs 2-4 in Appendix 1, the Children's Centre Programme is being developed as part of the Central Government's National Sure Start Programme and is funded by the Department for Education and Skills. Kent County Council has been tasked with creating 52 Children's Centre across Kent by March 2008. The main aims of the Sure Start programme are to increase the availability of childcare for young children and support parents in their aspirations towards employment. The Centres are proposed in deprived areas to offer a range of health, adult education and family support services alongside full day care facilities for children under 5. Knockhall Community Primary School site has been chosen as it is in an area identified as deprived with a continued fall in school roll. It is noted that there is already a new nursery within the school grounds and the new Children's Centre would rely on these facilities to make the nursery provisions outlined under the Sure Start Scheme.

**Amended proposal**

3. Following concerns raised by the Planning Applications Committee in September 2007, the proposal has been amended. The amended proposal continues to be for a single storey, flat roof modular building together with two canopies, new vehicular access and 4 car parking spaces, one of which is a disabled parking bay. The entry to the Children's Centre would be through a new vehicular and pedestrian access to the site from Abbey Road. The pedestrian access would be through a gate from the new 35m footpath along the frontage of the site. Externally, there would be two canopies and an impact absorbent play area. Inside, the building would contain crèche/meeting rooms, an Information Computing Technology (ICT) suite, an interview medical room, a snack kitchen, a reception/office area and toilets.
4. Following the deferral at the September Committee Meeting, further discussions between the applicant and the planning officer took place. Subsequently, amendments to the external finishes of the building have been formally submitted. It is now proposed to use render finish on the walls instead of Plastisol. Additionally, it is proposed to use vertical close-boarded oiled, cedar cladding panels, extending approximately 450mm above the main roof to break the flat roof line, as well as to introduce more variety of texture on the elevations. The windows would be bronze powder coated aluminium. The revised proposal is shown on page D5.3. With regards to the provision of car parking

**Modular block for Children's Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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spaces, the applicant is not proposing any additional on-site car parking bays above what was proposed in the earlier submission. The planning application continues to include 3 car parking spaces for the staff plus 1 disabled parking bay with no visitor car parking.

**Planning Policy**

5. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The Kent & Medway Structure Plan 2006:

- |             |   |
|-------------|---|
| Policy SP1  | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.  |
| Policy SS6  | Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.   |
| Policy QL1  | Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL12 | Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport.   |
| Policy TP3  | States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling.   |
| Policy TP19 | States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.  |
| Policy NR1  | Proposal for development should incorporate sustainable construction techniques   |

(ii) The Dartford Local Plan 1995:

- |           |  |
|-----------|--|
| Policy S2 | Encouragement will be given to the provision of community, leisure and tourist facilities.                   |
| Policy B3 | The development proposal should incorporate hard and soft landscaping measures and create a good environment |

(iii) The Dartford Local Plan 2nd Draft Deposit:

- |             |   |
|-------------|---|
| Policy CF1  | Community facilities should be grouped together to reduce the need for travel, be easily accessible, serve a range of needs take account of the existing patterns of facilities and comply with other development control criteria. |
| Policy DD11 | A high standard of design will be sought in all proposals.  |



**Modular block for Children’s Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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Example of Cedar Cladding



Example of render to a pitched roof building  
**N.B. Colour of render not true representation due to limited colour palette. Colour to be Sand Yellow RAL 1002**



1	Excavation/Underpinning	MS 12/1/007
2	Structure/Frame	JAC 12/1/007
3	Windows and Roof	MS 03/1/007
4	External Finishing of building - Elevations/Architectural	PH 03/04/007
5	Elevations/Architectural	KC 1/000/007
Revised/Comments		
Client		
Kent County Council		
Drawn PH		
Project title		
Knockhall Community Primary School		
Half Core Community Facility		
Drawings		
Job No. 604559		
Date: 16.03.14		



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 Delivering better value results for clients

Amended elevation drawing to include revised external finishes of the building

**Modular block for Children's Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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**Consultations**

6. Dartford Borough Council, Sports England and the Divisional Transportation Manager raised no objection to the proposal. The Swanscombe and Greenhithe Town Council requested a site visit to the school and were present to express their views at the September Planning Committee. In addition, the local residents raised objections mainly on the grounds of the impact of the development upon highways. For details of the consultees comments please refer to paragraphs 7-10 of Appendix 1.
7. The Swanscombe and Greenhithe Town Council were re-consulted on the latest amendments. The Town Mayor and Members are still concerned about the actual siting of the building and request a site visit. They also feel that parking and the entrance/exit to the site are inadequate. Finally, the Town Council Members are prepared to meet with the applicant to propose ideas.

**Discussion***Introduction*

8. Following this application being deferred, further negotiations relating to the car parking provision and the design of the building have taken place between the applicant and the planning officer. The main aim of these discussions was to explore the potential for further provision of car parking and to improve the design and external appearance of the proposed building.
9. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. The focus of this report is on two items, the impact on highways and the design of the proposed building. Policy TP3 and TP19 of the Kent and Medway Structure Plan (KMSP) require the new development to be well served by the public transport, walking and cycling and to comply with vehicle parking policies and maximum standards adopted in The Kent Vehicle Parking Standards. Further, Policy QL1 of the KMSP and Policy DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Review require new developments to be of high quality and well designed, not to lead to the loss of amenity and to consider their impact on the generated travel demand. Finally, consideration should be given to the KMSP Policy QL12 and the Dartford Local Plan 1995 Policy S2, which encourage decision-makers to make provision for community facilities. In conjunction with these and other relevant policies, these issues are considered and discussed below.

*Impact upon highways*

10. The application was deferred at the September Planning Committee Meeting to allow further discussions about the adequacy of car parking provision to ensure that this matter is considered appropriately. Members' attention is drawn to the paragraph 10 in the Appendix 1, which lists the objections on the grounds that the new Children's Centre might increase the congestion problem around the site. Residents are concerned, as they are already experiencing some level of congestion around the site during the school times, especially during pick-up and drop-off time.
11. Following my further discussions with the applicant, it was confirmed that the Children's Centre would employ 3 members of staff on a regular basis with the number rising for special events. The applicant believes that the provided 3 car parking spaces would be entirely sufficient for the members of staff. Moreover, it is intended that staff employed

**Modular block for Children's Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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within the surrounding area will be expected to walk and any staff required to drive would be offered a space in the new car park.

12. Further, it is estimated that the Centre could have up to 30 visitors in a day. However, the applicant explains that these visitors would be spread out over the 10 hours of operation i.e. through an appointment system, and so would not all be present at the same time. Only when a particular event, such as a staff seminar, is being provided would there be a number of people arriving at one time. The applicant also believes that it is unlikely that these events would occur at the same time as the start and end of school. There would therefore be no on-site visitor car parking provided, apart from one disabled parking bay, and visitors would be expected to walk to the Centre since it has been purposefully sited to serve the local neighbourhood and in walking distance of the homes to be served.
13. The Kent's strategy within the KMSP, specifically Policies TP3 and TP19, aims to reduce the need for people to travel by car. This should in turn, reduce the need for on-site parking. Also, the Plan puts an emphasis on locating development where it would reduce dependency on the car and increase the potential use of public transport. It is believed that by not providing any on-site car parking for visitors would have a significant influence on their choice of transport made by visitors of the Centre. The applicant re-stated that the Centre has been strategically located in the community to minimise travel distance for the community it is intended to serve. The Sure Start scheme places a great deal of emphasis on "buggy pushing distance" for the users of the Centre and the lack of on-site car parking aims to encourage visitors to walk to the Centre. It is therefore considered that the proposal conforms to the requirements of TR3 and TR19 of the KMSP 2006.
14. Another issue against any further extension to the proposed car parking, is that it would most likely result in further encroachment on the school's playing fields, which would then be contrary to the Playing Field Policy defined in the 1996 Statutory Instrument No. 1817. Therefore, that solution would not be desirable, in that the County Council would not normally countenance the sacrifice of valuable school playing field for parking spaces, unless there was an overriding need.
15. From the policy point of view, the proposal is supported by Policy S2 of the Dartford Local Plan, which advocates provision of community facilities. Further, the Policies QL12 of the KMSP and CF1 of the Dartford Local Plan 2nd Draft Deposit encourage community facilities to be grouped together to reduce the need for travel, be easily accessible by walking and public transport.
16. Overall, it is noted that the facility would be located in an urban area and close to the community that it is aiming to serve. The lack of car parking spaces for visitors is intended to encourage people to walk to the site. I consider that if the proposal is approved, there is a potential risk that the congestion level might increase on some occasions due to people's resistance to change their travel habits. However, it is unlikely for this to be a long-term effect, after people recognise that there is no car parking provision for visitors on site overall. I do not think that the proposed development would sufficiently add to the congestion problems around the site so as to warrant refusal of the current proposal on these grounds. Moreover, as the Divisional Transportation Manager is satisfied that the surrounding highways have the capacity to accommodate movements associated with the proposed Children's Centre.

*Design*

17. Members may also recall that in the September report I did express disappointment with the design of the proposed modular building, specifically with the proposed external materials and finishes, alongside to the low level of details showing the standard of the

**Modular block for Children's Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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modular building. Since then, the applicant has proposed changes to the external appearance of the building. Moreover, cross section drawings have been submitted to show the quality of the proposed building. Those changes must be considered in the light of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Deposit, which require all development to be of high quality, respond positively to the scale, layout, pattern and character of their local surrounding.

18. The proposed modular building units would come with a factory finish in through coloured render to the external walls. The applicant proposes to use predominantly Sand Yellow RAL 1002, aiming to match the yellow stock brickwork used on the recently built nursery building. Additionally, the elevations would be covered with vertical close-boarded oiled cedar panels extending approximately 450mm above the main roofline. The roof would be profiled insulated composite steel roof decking in the contrast to the previously proposed felt finish. The applicant believes that the combination would give a contemporary and stylish solution whilst balancing the financial restraints imposed on them.
19. It is considered that the proposed development respects the policy requirements. I am of the opinion that the applicant has significantly improved the appearance of the building since the last report presented to the Committee. The chosen external materials and finishes are now more attractive and of better quality. It is now considered acceptable to classify the proposed building as “an enhanced modular building”, and therefore more appropriate for a long-term retention. The building is guaranteed for 25 years and due to this fact it would not be practical to limit the planning permission to a limited period, should the permission is granted. Further to Members’ comments about need to achieve high rating in BREEAM standards, the applicant confirms that the building would achieve BREEAM “Good” with the desired target of “Very Good”.
20. Under the above circumstances, I consider that the amended scheme shows a much improved and more attractive modular building. It incorporates higher quality external materials and finishes to the ones originally proposed to be used on the building. The provision of the proposed building would facilitate well the range of health, adult education and family support services that it aims to do.

**Conclusion**

21. This proposal has given rise to issues of traffic and design. Whilst I acknowledge that there might be some potential for an increase in vehicle movements arising from the additional facility in the area, it is unlikely to be so significant to recommend refusal on these grounds. Specifically, it is considered to be located in the community to be served and in accordance to the sustainable transport policy. The external materials of the modular block have been greatly improved and consequently my design concerns have been addressed.
22. I believe that the benefits of introducing the facility to the area would outweigh any potential and occasional inconvenience to the nearby neighbours. Overall, I consider that the proposed development would be in accordance with the aims and objectives of the relevant Development Plan Policies.
23. Subject to any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:
  - Standard time condition for it to be implemented
  - Sample of the render
  - Fencing to be finished in green to match the existing
  - The availability of the staff parking spaces
  - Protection of trees during construction

## **Item D5**

### **Modular block for Children's Centre at Knockhall Community Primary School, Greenhithe, Dartford – DA/07/672**

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- Replacement trees if any are removed
- The development to be carried out in accordance with the permitted details

Case Officer –Anna Michalska-Dober
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01622 696979
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Background documents –See section heading
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**Single storey modular building for Children's Centre, Knockhall Community Primary School.**

A report by Head of Planning Applications Group to Planning Applications Committee on 11 September 2007.

Application by KCC Children, Families And Education for single storey modular building for Children's Centre at Knowckhall Community Primary School, Eynsford Road, Greenhithe (Ref:DA/07/672)

Recommendation: Subject to any further views received by the Committee Meeting, permission be granted subject to conditions

Local Member(s): Ivor Jones

Classification: Unrestricted

**Site**

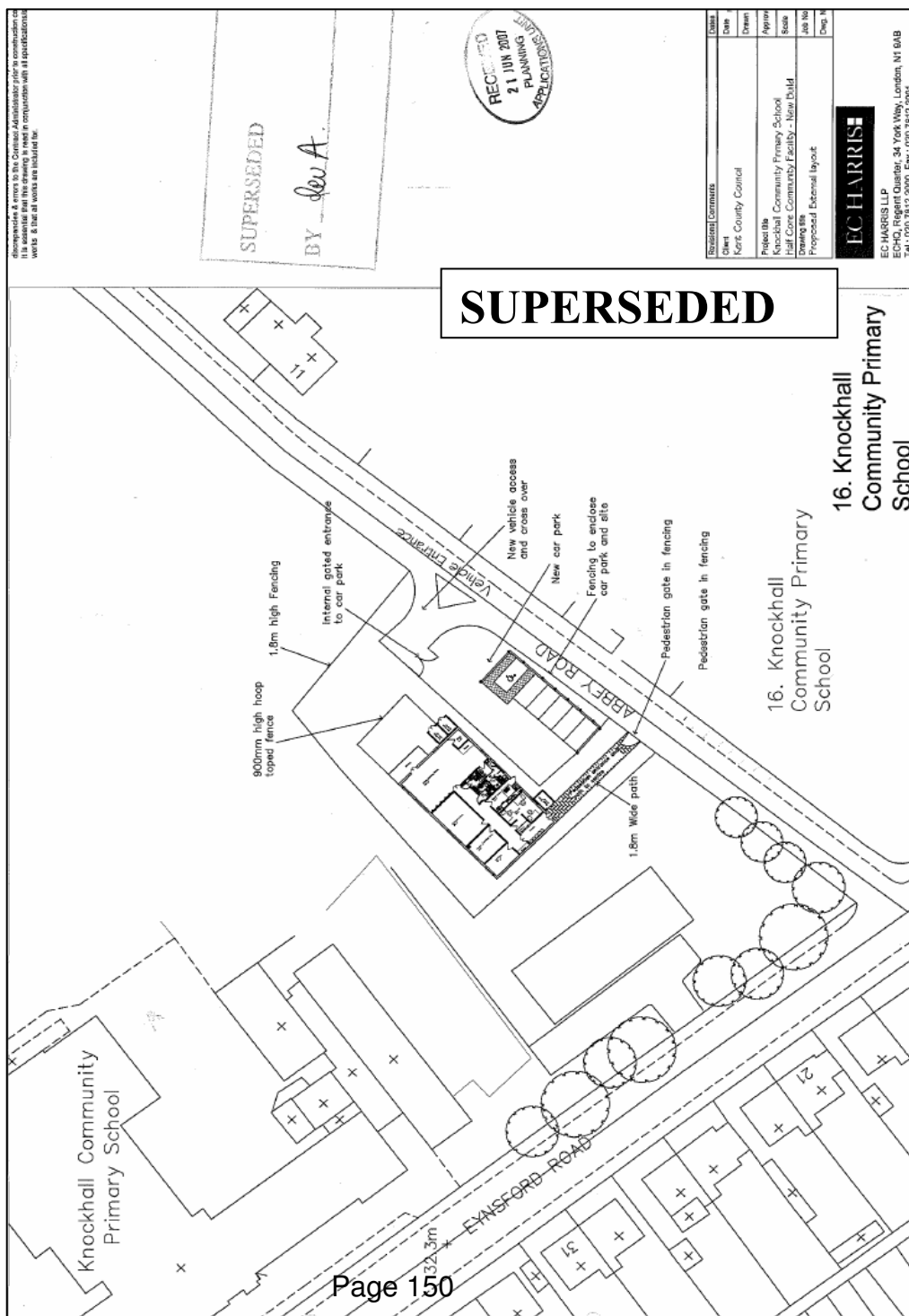
1. Knockhall Community Primary School is located along Eynsford Road and Abbey Road in Greenhithe near Dartford. Terraced residential houses surround the school site, except for the northern boundary where the site bounds railway track/embankment. A site plan is attached (see page D4.3).

**Proposal**

2. The proposal is to create a new Children's Centre. The planning application has been submitted by Kent County Council's Children Families and Education Directorate. The creation of Children's Centres is part of the Central Government's National Sure Start Programme and is funded by the Department for Education and Skills (DfES). The main aims of the Sure Start programme are to increase the availability of childcare for young children and support parents in their aspirations towards employment. The Centres are proposed in deprived areas to offer a range of health, adult education and family support services alongside full day care facilities for children under 5. Kent County Council has been tasked with creating 52 Children's Centres in the most deprived areas of Kent by March 2008. Knockhall Community Primary School site has been chosen as it is in an area identified as deprived with a continued fall in roll. It is noted that there is already a new nursery within the school grounds and the new Children's Centre would rely on these facilities to provide the nursery provisions outlined under the Sure Start Scheme.
3. The proposal (as revised) is for a new single storey, flat roof modular building together with two canopies, new vehicular access and 4 car parking spaces, one of which is a disabled parking bay (see page D4.4). The entry to the Children's Centre would be through a new vehicular and pedestrian access to the site from Abbey Road. There are 3 new car parking bays for use by the staff of the Children's Centre. Additionally, one disabled parking bay is proposed but otherwise no visitor car parking would be provided. The pedestrian access would be through a gate from the new 35m footpath along the frontage of the site. The footpath would be 2.6m from the kerb edge and outside the perimeter of the centre's fencing but within the boundary of the school grounds. Externally, there would be two canopies and an impact absorbent play area. Inside, the building contains crèche/meeting rooms, an Information Computing Technology (ICT) suite, an interview medical room, a snack kitchen, a reception/office area and toilets.
4. The expected opening hours are to be 8.00am to 6.00pm, five days a week for 48 weeks of the year. The Centre would employ 3 members of staff on a regular basis with the number rising for special events. It is expected that there would be up to 30 visitors spread throughout the day.

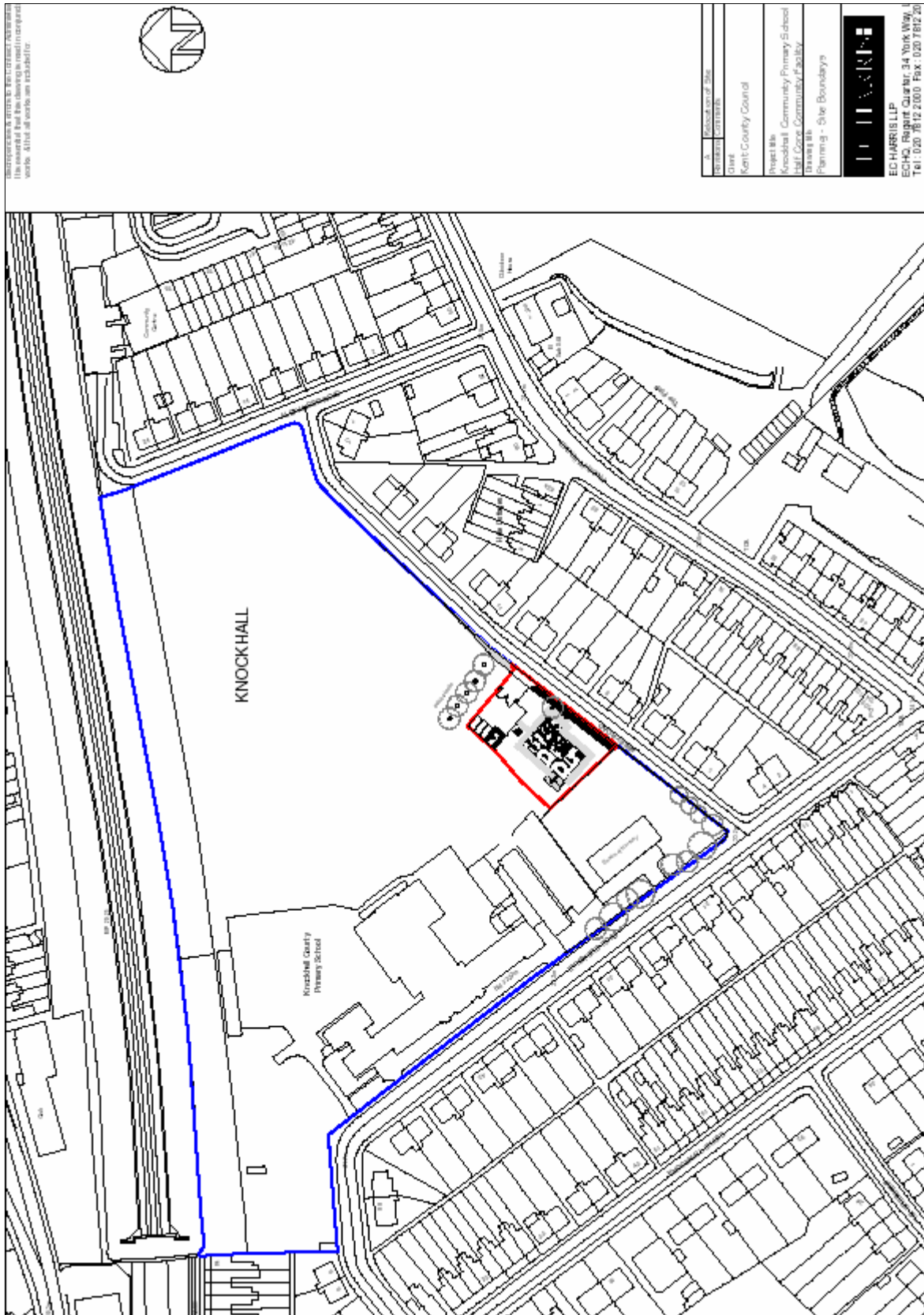
**Single storey modular block for Children’s Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

5. Members’ attention is drawn to the fact that the above details describe the latest version of the scheme. Since the original application was submitted, a number of changes have been introduced to the scheme. The changes have covered repositioning of the building approximately 12m further away from the nursery playing field, improvements to the visibility splays and making the pedestrian access to the site safer. Also, the perimeter fence-line has been brought back approximately 2.6m from the kerb edge, thereby creating a new footpath along the frontage of the site. Finally, the parking has been reduced from six spaces to four and the vehicular gates have been set back from the crossover to enable cars to park and then to open / close the gates as necessary without creating congestion in Abbey Road. The original proposal is shown on the drawing below.



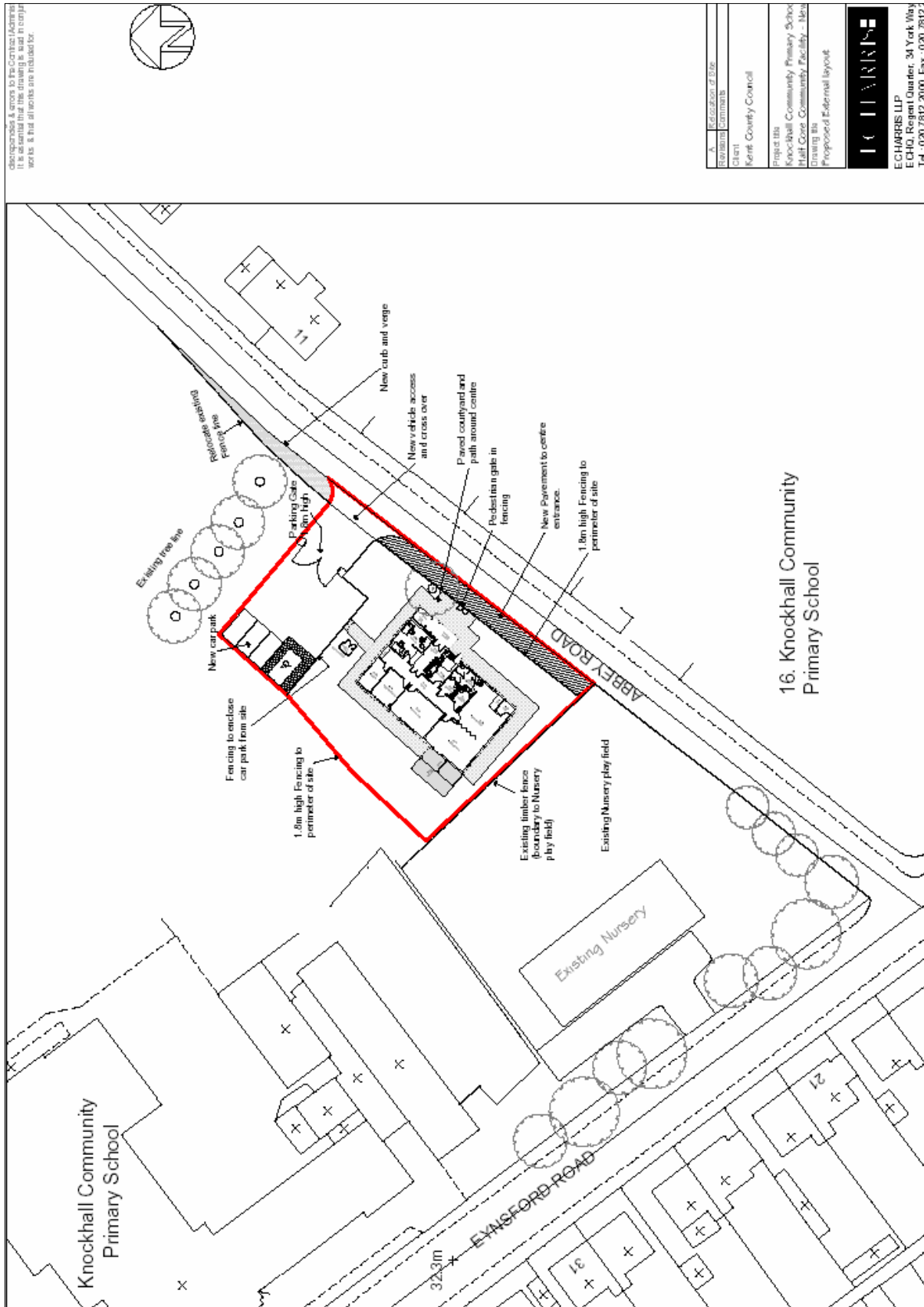


**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**



Revised scheme

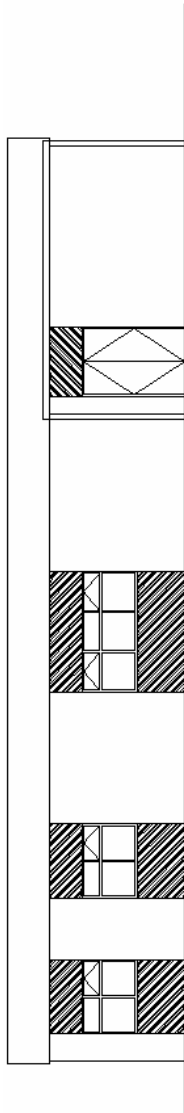
**Single storey modular block for Children’s Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**



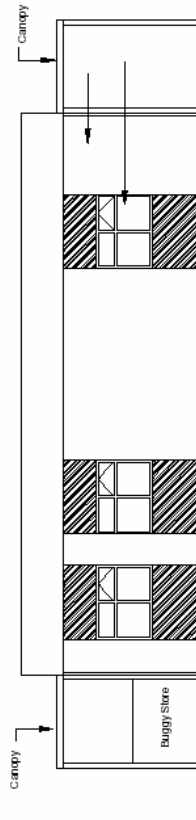
Revised scheme

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

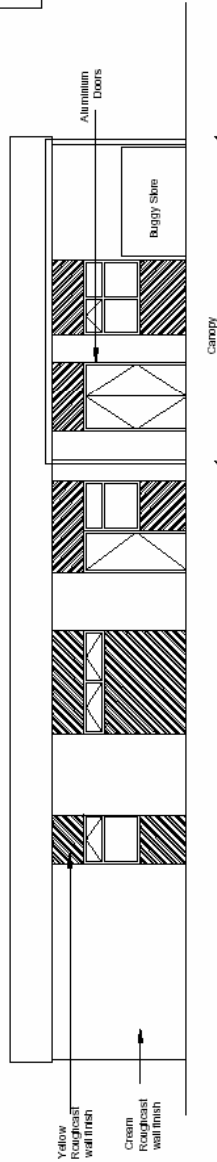
As shown by these annotations, the contractor is responsible for any discrepancies & errors to the Contract Administrator prior to. It is essential that this drawing is read in conjunction with all works & that all works are included for.



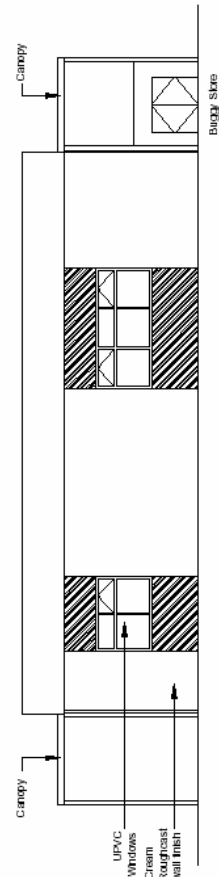
North West Elevation



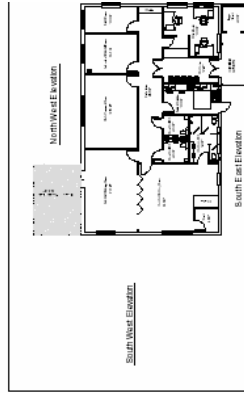
North East Elevation



South East Elevation



South West Elevation



**Block : 1**  
**Scale**

B	Revised Elevation of building - Elevations Area
A	Elevations provided
Revision	Comments
Client	Kent County Council

Project title  
 Knockhall Community Primary School  
 Half Core Community Facility  
 Drawings  
 Elevations



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**Item D4**

Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672

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**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Planning Policy**

6. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) The Kent & Medway Structure Plan 2006:

- |             |   |
|-------------|---|
| Policy SP1  | Seeks to conserve and enhance Kent's environment and to ensure a sustainable pattern of development.  |
| Policy SS6  | Seeks to improve the built and natural environment, functioning and appearance of the suburbs, including the provision of services and facilities that serve local needs.   |
| Policy QL1  | Seeks to ensure that all development is well designed and of high quality that responds positively to the local character. Development, which would be detrimental to the built environment, amenity, function or character of the area, will not be permitted. |
| Policy QL12 | Provision will be made to accommodate additional requirements for local community services in response to growth in demand from the community as a whole. The services will be located where they are accessible by walking, cycling and by public transport.   |
| Policy TP3  | States that the local planning authority should ensure that development sites are well served by public transport, walking and cycling.   |
| Policy TP19 | States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.  |
| Policy NR1  | Proposal for development should incorporate sustainable construction techniques   |

(ii) The Dartford Local Plan 1995:

- |           |  |
|-----------|--|
| Policy S2 | Encouragement will be given to the provision of community, leisure and tourist facilities.                   |
| Policy B3 | The development proposal should incorporate hard and soft landscaping measures and create a good environment |

(iii) The Dartford Local Plan 2nd Draft Deposit:

- |             |   |
|-------------|---|
| Policy CF1  | Community facilities should be grouped together to reduce the need for travel, be easily accessible, serve a range of needs take account of the existing patterns of facilities and comply with other development control criteria. |
| Policy DD11 | A high standard of design will be sought in all proposals.  |

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Consultations**

7. **Dartford Borough Council:** raises no objection to the original proposal; Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Divisional Transportation Manager:** raised objection to the original proposal. His comments are attached below:

*"There is limited (if any) visibility at the vehicular access point. This would be a hazard and as such I cannot agree to the proposal.*

*Whilst the road is subject to a 30mph speed limit I doubt that this speed is reached by the majority (if any) of the vehicles using the road.*

*My suggestion would be we should base visibility requirements to a speed of 25 mph, unless the applicant is prepared to carry out a speed survey, which may reveal a lower speed. This would then require a visibility splay of 33m x 2.4m x 33m to be provided. (If the speed were 20mph this would further reduce to 25m x 2.4m x 25m)*

*Similarly, the pedestrian gate would result in potentially people walking blind into a carriageway and suitable provision needs to be made to prevent this. In this instance it would therefore seem appropriate that the pedestrian and vehicular access are co-located.*

*The car parking needs to be moved back until it is approximately 2.6 metres from the kerb face, this will allow the visibility splays to be formed. The building can be opposite handed, thus placing the pedestrian entrance near the centre of the visibility splay"*

Following the amendments, the Divisional Transportation Manager raises no highway objections to the new proposal.

**The Environment Agency:** raises no objection. However, it is advised that the site lies adjacent to the Knockhall Chase landfill. Therefore, appropriate measures should be taken to mitigate against any off site problems that may be associated with this landfill. It is requested that:

- the foul drainage should be discharged into mains foul sewer,
- no soakways should be located within 50 metres of the landfill site and that the soakways discharge should be no deeper than 3 metres into the underlying chalk, and into clean uncontaminated natural ground
- roof water should discharge directly to the soakway via sealed downpipes
- run-off from access roads and car parking areas should discharge via appropriate pollution prevention measures.

**Swanscombe and Greenhithe Town Council:** requested confirmation that the amount of parking spaces being proposed is sufficient. Also, the Swanscombe & Greenhithe Town Council's Mayor would like to request a site meeting regarding the above application.

Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Sport England:** raises no objection to the proposal.

**Local Members**

8. The local Member, Ivor Jones was notified of the application on the 26<sup>th</sup> June 2007 and then re-notified on 13<sup>th</sup> August 2007. No comments received.

**Publicity**

9. The application was publicised by the posting of a site notice and the individual notification of 38 nearby properties. Following the submission of amendments, all

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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properties were re-notified about the revised plans and comments are expected until 4<sup>th</sup> September. Any further comments to the amended scheme received prior to Committee meeting will be reported verbally.

**Representations**

10.6 letters of representation and a petition objecting to the proposal were received in response to the original proposal. Following the amendments, two letters of representations have been received. The main comments and objections can be summarised as follows:

**Access and traffic**

- The access arrangement and positioning is not safe
- The position of this entrance would make it very difficult to manoeuvre vehicles into and out of the site because of resident parking
- The road is too narrow for two way traffic and the additional traffic the development would generate
- There is no room for a footpath
- The recent nursery building development contributed to worsen the traffic and parking problems around the school site and further concerns are raised that the new development would make the traffic even worse
- A number of houses in Abbey Road do not have off road parking and therefore this development is likely to cause further congestion
- With the proposed changes, parking spaces have been reduced making the situation even worse
- The school already has a car park off Eynsford Road, could this not be utilised and possibly expanded to accommodate further needs

**Play ground**

- It is not true that the playground area is an unused area, both the main playing field and nursery playground, have been used for sports activities
- The proposed development would take away a large part of the new Nursery's grassed play area. It shows scant regard for tax payers' money that finances these projects and lack of compassion for the loss to these children
- We ought to promote more exercise for the young

**Other**

- There are other areas available such as the land at the back of the car park by the railway embankment, solving parking issues and leaving a green space for the children to enjoy. The footpath is on both sides there (along Eynsford Road)
- The location is ill thought out
- There is an existing Community Centre on Alexander Road, which is currently under-used
- There are concerns over the noise the Centre would generate
- Cannot see how the proposal would benefit us
- There is no information on website, perhaps you are trying to hide something
- The plans show the entrance where a tree currently stands, this would need to be removed
- There is no reference to the alternative locations that were mentioned in the original petition, there are other locations on the same site which would be more practical and safer
- Someone from KCC should come to visit the site and see for themselves

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Discussion***Introduction*

11. The Children's Centre Programme is being developed as part of the Central Government's National Sure Start Programme and is funded by the DfES. Kent County Council has been tasked with creating 52 Children's Centres across Kent by March 2008. In some cases, where schools were identified to have surplus space, it is proposed just to refurbish the existing building(s). In other cases, the scheme involves putting new buildings within the grounds of an existing school. Having regard to the Kent Primary Strategy, Kent County Council's Children's Centre Team in conjunction with Multi Agency partners has identified suitable sites within areas of deprivation. This proposal represents one of the planned Children's Centres in Kent.
12. The application is required to be determined in accordance with the relevant Development Plan policies, unless other material considerations are of overriding importance. Consideration should be given to the impact of the siting, layout and scale of the development on playing fields and highway safety. Also, the design of the proposal and the need for the new community facility need to be considered. Policy QL1 of the Kent and Medway Structure Plan and Policy of the DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Review require new developments to be of high quality and well designed, not to lead to the loss of amenity and to consider their impact on the generated travel demand. Further, consideration should be given to the Kent and Medway Structure Plan Policy QL12 and the Dartford Local Plan 1995 Policy S2 that encourage decision makers to make provision for community facilities. In conjunction with these and other relevant policies, these issues are considered and discussed below. In principle, I see no overriding objection on planning policy grounds.

*Car Parking*

13. The current roll of Knockhall Community Primary School is 360, where the capacity of the school is 441. The applicant states that the school has adequate parking facilities for their 23 full time teaching staff and 32 other members of staff. However, it is confirmed that there are some problems at drop off and collection time. Representations have raised objection to the proposal on two grounds. First, that the new development would increase the congestion problem around the site. Secondly, that the access arrangement and positioning of the new development is not safe.
14. With reference to the first point, some residents suggest that the recently completed nursery project made the traffic and parking problems around the school site more difficult. There are further concerns about the potential for an escalation of the problem. It was brought to my attention that many houses in Abbey Road do not have off road parking and therefore this development is likely to cause further congestion.
15. The applicant states that the Children's Centre would operate as a separate unit from the School with the School having no control over the day-to-day operation. For this reason, the car parking provision also should be assessed based on the car park provided by the scheme only. The applicant states that the Children's Centre would employ 3 members of staff on a regular basis with the number rising for special events. Therefore, there are 3 car parking spaces for members of staff. It is intended that staff employed within the surrounding area will be expected to walk and any staff required to drive in would be offered a space in the new car park.
16. There is no visitor car parking proposed apart from one disabled parking bay. The applicant states that all the Centres in Kent have been strategically located to minimise travel distance for the majority of the community it is intended to serve. The Sure Start



**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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scheme puts a great deal of emphasis on “buggy pushing distance” with the users of the centre encouraged to walk. It is estimated that the Centre would have up to 30 visitors in a day. However, the applicant believes that these visitors would be spread out over the 10 hours of operation. Only when a particular event, such as a seminar, is being provided would there be a number of people arriving at one time. The applicant also believes that it is unlikely that these events would occur at the same time as the start and end of school. I consider that if the proposal is approved, there is a potential risk that the congestion level might increase on some occasions but it is unlikely for this to be on regular basis or to be significant enough to recommend refusal of the application on these grounds. Particularly, as the Divisional Transportation Manager is satisfied that the surrounding highways have the capacity to accommodate those movements.

17. The second issue raised was concerning the new access to the site. Both, residents and the Divisional Transportation Manager raised objection to the original access design. It was feared that the positioning of the new entrance would make it very difficult to manoeuvre vehicles into and out of the site. The Divisional Transportation Manager noted that there would be nearly no visibility at the vehicular access point. It was recommended that the applicant revised the access to incorporate visibility splays as advised in his comments above. Moreover, it was noted that the positioning of the pedestrian gate would potentially result in people walking blind into a carriageway. Consequently, an amended vehicular access with all the requests of the Divisional Transportation Manager has been submitted for consideration. Also, the revised pedestrian gate has been moved back from the kerb and a new footpath created along the frontage of the site (see page D4.4). As a result, the Divisional Transportation Manager now raises no objection to the proposed development. I believe, the revised scheme is significantly improved and is acceptable in planning terms.
18. Finally, some residents have suggested that a better location for the Centre should be explored. Suggestions included sharing access with the school, to use the previously used land along Eynsford Road to the left of the main entrance or use of the existing community centre on Alexander Road. The applicant did not consider those options to be suitable.
19. From the policy point of view, it is considered that the proposal meets the requirements of Policies TP3 and QL12 of the KMSp 2006 and Policy CF1 of the Dartford Local Plan 2<sup>nd</sup> Draft Deposit, which require that community facilities be grouped together to reduce the need for travel, be easily accessible by walking and public transport. In the opinion of the Divisional Transportation Manager, the development complies with vehicle parking policies and maximum standards adopted by the County Council as stated in the Policy TP19.
20. I consider that the applicant has sufficiently addressed the safety issues in relation to creating new access to the site. Through the proposal for a new footpath and wide visibility splays any risks would be significantly reduced. It is acknowledged that residents may already be experiencing some level of congestion around the site during the school times, especially during pick up and drop off time. However, I do not consider the proposed development would be so significant as to recommend refusal of the proposal on these grounds.

*Playing field and alternatives*

21. Originally, the Children's Centre was sited very close to the existing nursery building, taking away a significant part of the Nursery's grass play area. Consequently, a number of residents raised objections, due to the impact on the Nursery play area. In response to this, the applicant amended the drawings and repositioned the building approximately 12m further away from the nursery play area. I believe the amended location for the

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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proposed Children's Centre effectively eases any impact of the proposed development on the Nursery's play area. Finally, it is noted that Sport England was consulted on both versions of the proposal and raised no objection. It was considered that the plans show a line of trees to north-east of the building, which separate the proposal from the remainder of the playing field. Therefore, the proposal would not impact on land capable of forming a playing pitch.

*Design*

22. Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy DD11 of the Dartford Local Plan 2<sup>nd</sup> Draft Deposit require all development to be of high quality, respond positively to the scale, layout, pattern and character of their local surrounding.
23. The proposed building is a single storey flat roof building, constructed in sections in a quality controlled factory environment (see page D4.5). The parts are transported to the site and fixed on pre-constructed foundations. The units come with a factory finish through coloured rough cast coating to the external walls. The applicant proposes to use predominantly cream with yellow, aiming to match the yellow stock brickwork used on the recently built nursery building. The roof would be felt finish. The applicant states that the proposed building would achieve a minimum BREEAM rating of 'good' with desired target of 'very good'. A minimum life-span of 25 years is warranted by the manufacturer, which is also the requirement of the DfES, which would provide funding for this project. No objection has been received to the proposed design of the building from consultees.
24. In principle, it is considered that the proposed development respects the policy requirements. Nevertheless, it is disappointing that no higher standard of design, materials and finishes were proposed. I am of the opinion that the applicant has provided very limited evidence that the building differs much more than the traditional modular building, which normally would only be granted a temporary consent. The applicant is not prepared to accept a temporary consent in this case.
25. On the other hand, the design incorporates a modern method of construction encompassing off-site manufacturing. This technique helps to reduce waste during construction, as well as to cut the construction time to the necessary minimum. Both, Kent Design Guide 2006 and KMSP 2006 Policies QL1 and NR1, promote use of these sustainable construction methods. Also, considering that the Centre is proposed within school grounds, it is very important to limit the construction and therefore disruption time to the School's operation to a minimum.
26. Finally, the above policies require for the proposed development to consider the needs of all sections of community and to provide for a safe environment. The applicant aims to achieve this by means of providing level access to the building and a wide corridor within the building. The boundary of the site would be secured by palisade fencing to match the existing. However, it should be mentioned that to match the new boundary fencing to the existing fencing, this should be finished in powder coated green colour, and not galvanised steel finish as suggested by a photograph in the Supporting Statement. I believe that the details of proposed fencing and its colour finish could be secured by a condition on the planning permission, together with the other outstanding details of external finishes and colour scheme of the building, should the proposal be permitted. Lastly, the applicant states that the proposed works would have no effect on any trees on the site.
27. Under the above circumstances, I consider that the community benefit of having the facility would provide better access to a range of health, adult education and family support services, which would outweigh the potentially uninspiring design of the building.

**Single storey modular block for Children's Centre at Knockhall Community Primary School, Greenhithe – DA/07/672**

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**Conclusion**

28. On balance, I consider that the benefits of introducing the facility to the area would outweigh any potential impact arising from the additional traffic generated by the proposal and the design concerns, as discussed above. Overall, I consider that the proposed development would otherwise be in accordance with the aims and objectives of the relevant Development Plan Policies.

29. Subject to any further views received by the Committee Meeting, I RECOMMEND that PERMISSION BE GRANTED SUBJECT to conditions, including conditions covering:

- Standard time restriction for it to be carried out
- Details of external finishes and materials
- Details of fencing to be confirmed
- Protection of trees during construction
- The development to be carried out in accordance with the permitted details

Case Officer –Anna Michalska-Dober
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Background documents –See section heading
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**Item D6****Modular building for use as a Children's Centre. East Stour Primary School, Willesborough, Ashford – AS/07/1395**

A report by Head of Planning Applications Unit to Planning Applications Committee on 6 November 2007.

AS/07/1395– Application by Kent County Council Children, Families and Education Directorate for the construction of a single storey modular building for use as a Children's Centre, car parking to existing school to be designated to Children's Centre and spaces lost by development to be re-provided on school hard play, hard play to be re-provided on soft landscaping. East Stour Primary School, Earlsworth Road, Willesborough, Ashford.

Recommendation: Permission be granted.

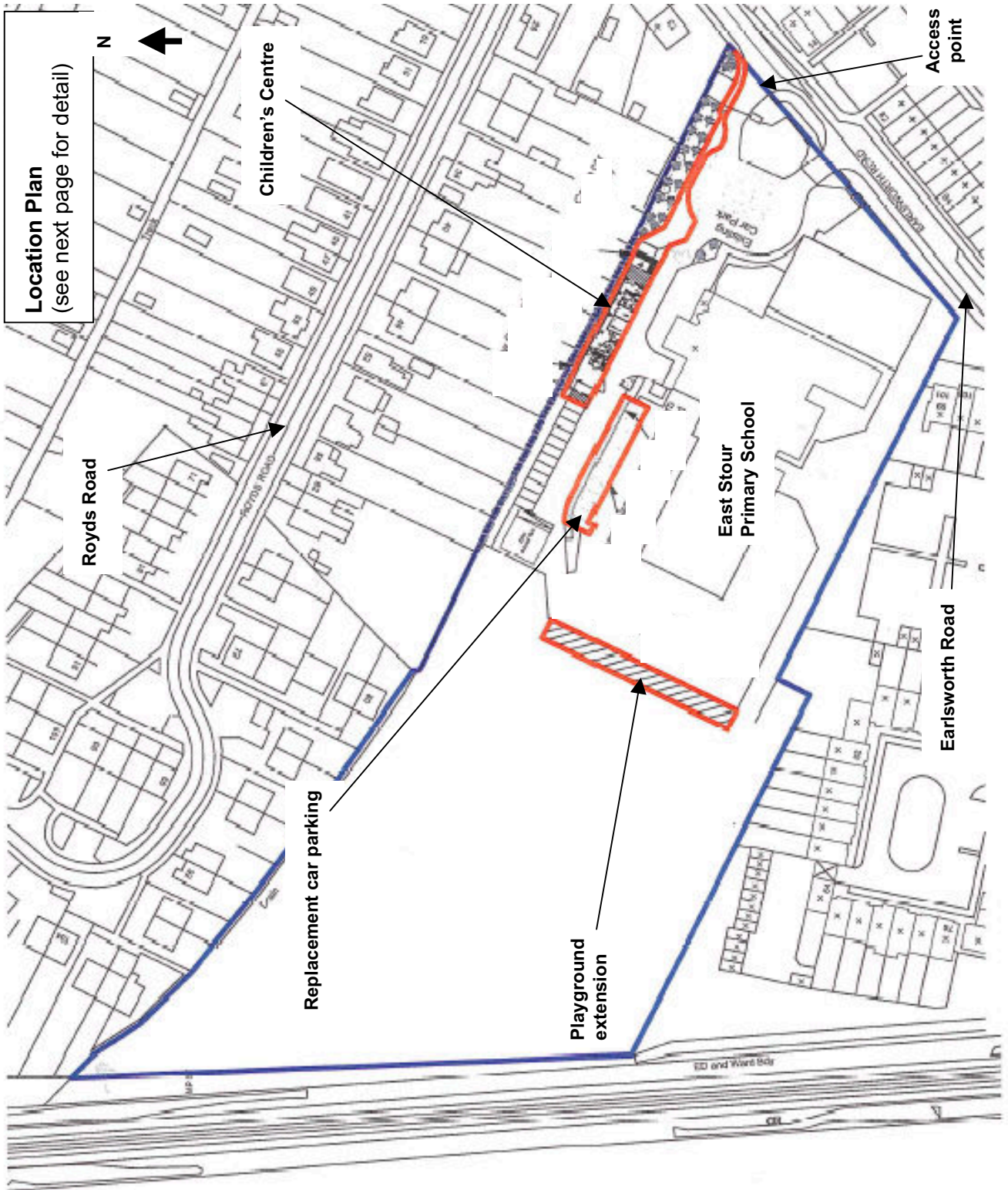
**Local Members:** Mr G. Koowaree

**Classification:** Unrestricted

**Site**

1. East Stour Primary School is located at the southern end of Earlsworth Road, South Willesborough, approximately 2 km to the south-east of Ashford town centre. The Primary School is 2 Form-Entry plus nursery and currently employs 55 members of staff on a full and part time basis. Access to the school is obtained through dedicated vehicle entry and exit points west off Earlsworth Road. The School has formal car parking spaces for 36 vehicles to the front and side of the school building. The original building was constructed in 1978, with an 8-classroom extension permitted in 1994. The school buildings are single storey, finished in yellow stock brickwork with wood panelling, and red tiled pitched roofs. A mobile building is located on site adjacent to the northern boundary, providing accommodation for an after school club. The school site is laid out on a roughly east-west axis, with the main entrance and buildings positioned to the east side of the site adjacent to Earlsworth Road, with playground space and playing field stretching out to the west. Residential property surrounds the school to the north, south and east, with a railway line to the west – see attached location plans.
2. The application site consists of an area north of the school buildings on part of the existing school car park, which is located directly adjacent to the northern boundary of the school grounds. The application also shows development of replacement car parking on part of the existing hard playground space closer to the school buildings, and an extension to the playground directly adjacent to the hard play space to the west of the school, on the fringe of the playing field.
3. The nearest residential property to the application site are the rear gardens of houses on Royds Road, located north of the school grounds on the other side of an existing boundary hedgerow. The drawings show the distance between the proposed development and the boundary with residential property to be less than 2 metres. The closest façade to façade distance between the proposed development and the nearest houses on Royds Road would measure approximately 35 metres.
4. The Ashford Borough Local Plan (2000) Proposals Map does not identify any site-specific Development Plan Policies in connection with the application site.

Children's Centre. East Stour Primary School, Ashford – AS/07/1395





Children's Centre. East Stour Primary School, Ashford – AS/07/1395

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**North East Elevation**

White  
Fibre panel

Rear Lights

Smooth render  
wall finish  
backing on to  
secondary  
structure

**South East Elevation**

Smooth render  
wall finish

Multi Purpose  
Room

Bronze coloured  
aluminium windows

**South West Elevation**

Bronze coloured  
powder coated  
aluminium doors

**North West Elevation**

Smooth render  
wall finish

N.B. Colour of render not true representation due to limited colour palette. Light colour to be Sand Yellow RAL 1002 to match in with brickwork to school and surrounding houses. Darker colour to a dark red to match roof of school and surrounding houses as closely as possible.

C	Material finished	25/11/2019	JAC
A	Approved by client	25/11/2019	JAC
A	Issued to client for info	25/11/2019	PH
B	Revised Comments	Date	
Client	EC Harris		
	Kent County Council		
Project title	East Stour Primary School, Ashford	Approved	DD
Drawing title	Ref Core Community Facility - New Build	Scale	1:1000000
Proposed Drawings		Job No.	2009/009
		Draw No.	00000

**EC HARRIS**

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29, East Stour Primary School

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**Children's Centre. East Stour Primary School, Ashford – AS/07/1395**

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**Background**

5. The recent planning history for the school site includes an application in 2003 for minor external changes to the existing buildings to enable the formation of a nursery at the school (ref. AS/03/1611), and an application made to Ashford Borough Council for a mobile building for use as an after school club in 2004 (ref. AS/04/1926). The Borough Council granted temporary approval for a mobile building at the school until 2010.
6. The County Planning Authority is currently considering a second application at East Stour Primary School for an extension to the reception and entrance arrangements to the main school building.

**Proposal**

7. The application proposes the creation of a community Children's Centre within the grounds of East Stour Primary School. The Children's Centre would be housed in a new purpose-built single storey modular building that would be constructed off-site and brought to site in sections to be fixed to pre-constructed foundations. The development would create approximately 177 m<sup>2</sup> of floorspace for use as part of the proposed function. The building would be finished with a smooth render, in predominantly a sand yellow colour to match the brick work of the main school building. The windows are shown as powder coated aluminium units finished in bronze, with the roof finished in profiled insulated steel roof decking. The building would be designed and warranted for a period of at least a 25-years to meet the applicant's requirements. The supporting information received with the application confirms that the building would be designed to achieve a minimum BREEAM rating of GOOD, with a desired target of VERY GOOD.
8. The application has been made on behalf of the County Council's Children, Families and Education Directorate. The scheme is one of a number of similar applications being proposed across the County as part of Central Government's National Sure Start Programme. The main aim of the Sure Start Programme is to increase the availability of childcare for all children, improve health and emotional development for young children, and support parents in their aspirations toward employment.
9. The aim of the proposed Children's Centre is to offer a range of health, adult education and family support services to the local community. The building proposed would contain a multi-purpose meeting room for use by parents using the Centre as an informal meeting room through to formal seminar style learning. The application also includes a second smaller interview/ treatment room, staff room, reception/ office area, kitchen and associated toilet and cloakroom facilities.
10. The Children's Centre would operate as a separate community facility independent from the school. The application proposes that the Centre would be open from 0800 to 1800 hours, Monday to Friday, 48 weeks of the year. The Centre would employ 3 members of staff on a full time basis with numbers rising for special events. The application sets out that the Centre is expected to generate up to 30 visitors across a typical day. The Centre would also provide a potential venue for educational events in association with the service, like seminar style training. The application advises that it is unlikely that these events would coincide with the peak movements at the start and end of the school day. An existing pedestrian gate and footpath along the northern boundary of the site would provide access to the Centre. The provision of the final section of the footway would require a small section of an existing landscaped area to be replaced with hard standing.

**Children's Centre. East Stour Primary School, Ashford – AS/07/1395**

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11. The proposed building would be positioned on part of the existing school car park and a built out landscaped area that divides the existing parking bays. This landscaped area contains a number of shrubs and one small tree that would be removed as a result of the development. The building would be adjacent to a 2m high boundary hedgerow which would be retained as part of the scheme. The development of the building on the car park would involve the loss of 12 spaces. In mitigation the application proposes to replace these spaces with 14 new spaces on part of the school's hard play space. Increasing the existing car parking provision on site from 36 to 38 spaces. The Children's Centre would be designated 1 space and 1 disabled parking bay directly adjacent to the entrance of the proposed building. The provision of the 14 new car parking spaces would involve the removal of internal fencing, low level shrubs, and 4 small trees.
12. To compensate for the school's hard play space that would be taken as a result of the new car parking arrangements proposed, a 247 m<sup>2</sup> playground extension is being applied for to the west of the existing hard play.

**Development Plan Policies**

13. The Development Plan Policies summarised below are relevant to consideration of the application.

(i) The adopted **Kent and Medway Structure Plan 2006**:

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy SS6	Seeks to improve the built and natural environment, functioning and appearance of the suburbs of the major urban areas, including the provision of services and facilities that serve local needs.
Policy QL1	Seeks all development be well designed and of high quality that respond positively to the local character. Development, which would be detrimental to the built environment, amenity, function and character of settlements or the countryside, will not be permitted. Seeks development to consider the needs of the community, provide safe environment, protect residential amenity, and adopt sustainable construction techniques.
Policy QL11	Provision will be made for the development and improvement of local services in existing residential areas and in town and district centres particularly where services are deficient.
Policy TP3	Local Planning Authorities should ensure that development sites are well served by public transport, walking and cycling.
Policy TP19	Seeks development proposals to comply with the respective vehicle parking policies and maximum standards adopted by Kent County Council and Medway Council.
Policy NR1	Seeks development to incorporate sustainable construction techniques and prudent use of natural resources.

**Children's Centre. East Stour Primary School, Ashford – AS/07/1395**

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(ii) The adopted **Ashford Borough Local Plan (2000)** Saved Policies

Policy GP2	Seeks to protect and improve the setting and character of the Borough's urban environment.
Policy GP5	Seeks to ensure the provision of community facilities and infrastructure.
Policy GP6	Seeks to encourage high design quality in new development.
Policy DP1	Planning permission will not be granted for development proposals which are poorly designed in terms of scale, density, height, layout, massing, landscape, access or detailing.
Policy DP2	Seeks development that respects the character and appearance of the surrounding area, and the ability of neighbours to enjoy reasonable levels of privacy, natural light, peace and quiet, and that is properly served by local transport system.
Policy DP4	Seeks development proposals to minimise the fear and risk of crime.
Policy TP1	Seeks proposals to take account of the need to minimise the need to travel, and the importance of providing access to a choice of transport modes. Including public transport, cycling and walking.
Policy TP11	Seeks development to provide for vehicle parking, in accordance with Kent Vehicle Parking Standards.

**Consultations**

14. **Ashford Borough Council** raises no objection, subject to Kent Highway Services raising no objection to the application, and the imposition of conditions covering the standard time limit for commencing the development, the submission of details of external materials and a landscape scheme, and the premises not to be used for any purpose other than that applied for.

**Divisional Transportation Manager** raises no objections to the proposal in respect of highway matters. Commenting as follows, *'The Children's Centre will have a total of 3 staff, and 1 parking space + a designated disabled bay has been allocated. Within Kent Vehicle Parking Standards the maximum parking standard for employees for this use class is 1 space per 2 staff. There will be sufficient spaces within the site to accommodate the 3 staff for the Children's Centre.'*

**Kent Police Architectural Liaison Officer** has made the following suggestions:

*'School flat roofs are frequently targeted for out of hours horseplay by young people, who seek to climb on the roofs. Consideration should be given to either replacing the flat roof or preventing access to it. If the modular construction makes replacement impossible then anti climb barriers should be placed along all the potential access points (e.g. near drain pipes, hand rails etc.) along with the necessary signage.'*

**Children's Centre. East Stour Primary School, Ashford – AS/07/1395**

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15. The Local County Member for Ashford East, Mr. G. Koowaree, was notified of the application on 25 July 2007.

**Publicity**

16. The application was publicised by the posting of one site notice and the notification of 37 neighbouring properties.

**Representations**

17. 5 letters of representation have been received on behalf of 7 neighbouring properties concerning the proposed development. The main observations and objections raised to the proposal can be summarised as follows:

- Objects to the potential increase in noise and disruption from the site, given the proposed hours of use proposed for the Children's Centre - 0800 to 1800 hours, 5 days a week 48 weeks of the year. This would be beyond the normal school hours.
- Raises concern that the proposed development would generate significant noise which would impact on residential amenity, and that conversely the Centre would suffer noise from residents working in their gardens and workshops located adjacent to the boundary.
- Concern about the proximity of the development to residential property.
- Questions why the building has to be directly adjacent to the boundary with property in Royds Road given the size of the school grounds?
- Asks why the Centre cannot be built where the replacement car parking is proposed? Suggests that it would be a waste of money to move the car parking when the proposed Centre could be located on the hard play area in lieu of the new car parking area proposed.
- Questions whether the hedgerow and landscaping along the boundary would be retained?
- Asks why no improvements to the existing landscaping has been proposed to reduce the impact of the proposed building?
- Objects to the development on highway grounds.
- Considers that the existing car parking arrangements are already inadequate. With large numbers of vehicles causing congestion on the surrounding roads at peak times, creating potential dangerous situations for other road users and pedestrians.
- Points out that the existing use of the site causes traffic problems during peak times, with parents parking in residential parking bays. Advises that any loss of parking spaces would be unacceptable as it would exacerbate existing problems. Requests that alternate parking be made available before the Children Centre is built. Raises no objection to the construction of the Centre itself.
- Concern that the loss of car parking near the main gate would result in an increase in on street parking in surrounding roads.
- Concern that the use of existing playground for car parking would erode the amount of open play space available to the School.
- Advises that the construction of the School, playground and car park potentially caused drainage problems for properties in Royds Road.
- Raises concern about the potential noise generated during construction of the proposed building.

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**Discussion**

18. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph (13) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.

**Traffic and Access**

19. A number of the representations received from nearby residents raise concern over the existing traffic issues in association with the school site. The letters identify problems with vehicles parking on surrounding roads at peak times resulting in situations that are inconvenient and potentially dangerous for other road users. In turn, concern is raised that the proposed Children's Centre would generate an increase in movements to and from the site, over stretching the existing car parking arrangements, and resulting in an increase in problems on the public highway.
20. East Stour School is a 2 Form-Entry Primary School and Nursery that has a school roll of 334 children, employing 55 members of staff on a full and part time basis. The School has dedicated entry and exit points on to Earlswood Road with car-parking facilities for 36 vehicles, including a pupil drop-off area for cars not otherwise needing to park and wait.
21. The Children's Centre proposed would operate a drop in style facilities to support of the Government's Sure Start Programme for young families in the local community. The Centre would offer a range of health, adult education and family support services. The application sets out that the Centre would employ 3 members of staff on permanent basis, with an estimated 30 visitors to the Centre across a normal day. The application sets out that the use of the Centre would normally be spread across a 10-hour day, and only when an event, like a seminar, is being held would there be several people arriving at one time. The applicant advises that the Centre has been purposefully located within walking distance of the community it would serve, with visitors encouraged to do so.
22. Kent and Medway Structure Plan Policy TP3 and Ashford Borough Local Plan Policy TP1 require that any new development be well located to minimise the need to travel, and ensure access to move sustainable means of travel, like public transport, walking and cycling.
23. The proposed Children's Centre has been located to serve the needs of the local community, proposed alongside an existing community service where there is likely to be crossover in terms of the people using the school and nursery with those that would use the proposed Centre. The access and traffic problems surrounding the school are mainly centred on the peak movement times at the start and end of the school day. The facility proposed would not be directly linked to the existing school operating hours with movements spread more evenly across the day, rather than centred on regular peak times. East Stour School is well located in relation to the surrounding community with access to public transport and the public footpath network.
24. The proposed building would be positioned on part of the existing school car park resulting in the loss of 12 spaces. However, in mitigation for this loss the application proposes the replacement of 14 spaces elsewhere on site. The Centre itself would

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benefit from 2 additional spaces increasing the overall number of parking spaces available at the site.

25. I note the concerns raised by local residents over the existing traffic problems experienced in association with the school. However, the Centre has been specifically proposed in a location that is easily accessible to the community it would serve. Given the size of the building proposed and the numbers of visitors expected to use the facility, I am not of the opinion that the Centre would result in an unacceptable increase in movements to this site. The existing car parking arrangements are appropriate given the number of staff employed at the school. The Divisional Transportation Manager has advised that the proposed car parking arrangements would be in accordance with the Kent Vehicle Parking Standards for the proposed land use. He comments that the existing and proposed car parking arrangements would be sufficient to accommodate the 3 members of staff that would be employed at the Centre. The proposals would also allow for parking facilities for disabled visitors. All other visitors to the Centre would be encouraged to walk. This could be monitored and facilitated through the development of a Travel Plan for the Centre and the provision of cycle parking facilities. Whilst, it is inevitable some visitors would choose to drive, taking account of the Divisional Transportation Manager's views, I do not consider that the level of movements that are likely to be generated would warrant an objection to the application on highway grounds.

**Siting and Layout**

26. The application proposes the Children's Centre building on part of the school's car park, directly adjacent to an existing boundary hedgerow with property in Royds Road. Local residents have raised concern about the proximity of the proposed building to residential property, considering that the development as proposed would have the potential to impact on the amenities of adjoining gardens. A number of the letters received raised the question of whether other locations within the school site have been considered.

27. The building proposed would measure approximately 29 metres by 6 metres by 3.2 metres high, and, in my opinion, would be appropriate in height, scale and massing compared to the surrounding built environment. The location proposed is approximately 2 metres from the boundary line, and over 35 metres from the façade of the closest residential property. The layout of the building shows no windows to the elevation facing residential property. This approach coupled with the existing hedgerow on the boundary would serve to prevent any loss of privacy to adjoining properties from the development of the site. The existing hedgerow, which would be retained as part of the development, would virtually screen the proposed building from property in Royds Road during the summer months. However, the development would be more visible during the winter months when the leaves have dropped from the boundary landscaping.

28. The applicant has advised that the position proposed within the school grounds was selected based on the need to allow good public access whilst maintaining site security. The Centre would be independent from the School providing a facility to the wider community. The applicant confirms that the Centre would need to be easily accessed from the public highway to encourage use. The Centre would also need to be kept separate from the school, with a monitored access route, to prevent the security arrangements within the school grounds being compromised. In my opinion, considering the options available on site and the criteria set out above, the location proposed would appear to be the most appropriate given the layout of the school. The location would allow easy direct and level access to the highway via a footpath along the northern boundary, and positioned within the car park it would be kept separate from the school function allowing visitors to come and go without interfering with the existing function or site security.

29. Representations were received from local residents about the impact of the replacement car parking proposed on the open hard play space available to the school. I would advise that the extension of the playground to the west would compensate for any loss of hard play. In addition, the arrangements shown would not have a significant impact on the level of playing field provision or any marked sports pitches. I would therefore not wish to raise concern over this issue.

### **Design**

30. The application proposes the construction of a single storey building with a smooth rendered finish with aluminium windows and doors. The modular construction allows the building to be finished to a specific standard in a quality-controlled environment, ensuring that the specifications meet the applicant's requirements and that the construction period on site is kept to a minimum. The building would be designed to have a minimum useable life of at least 25 years, and would be warranted by the manufacturer for this period. The 25-year life-span is a requirement of the Department for Education and Skills which would provide funding for part of this project.

31. The applicant states that the building proposed has been specified to minimise the height, in order to limit the visual impact on the surrounding built environment, and to make the most of the boundary landscaping in screening and softening the proposal. In response to Officers' initial concerns over the design of the building, the applicant has enhanced the specifications of the external materials being proposed. The enhancements include a rendered finish and the use of aluminium windows as opposed to UPVC. The applicant advises that the building would benefit from a finished floor level at the height of the adjacent ground level. That would enable level inclusive access arrangements, reduce the overall height, and move the visual appearance away from traditional 'mobile buildings' by avoiding the need for skirts and void spaces under the building. The applicant states that the proposed development would achieve a minimum BREEAM rating of 'GOOD' with desired target of 'VERY GOOD'.

32. No objections have been received to the proposed design of the building from consultees. Kent and Medway Structure Plan Policy QL1 and Ashford Borough Local Plan Policies GP2 and GP6 seek development that is well designed of a high quality that respect the character of the surrounding built environment. The development proposed has been brought forward to meet an identified local need, the design of the development reflects the applicants requirements whilst drawing on the surrounding urban environment. The height of the building has been kept to a minimum taking account of the location proposed within the site. The position and orientation of the building, adjacent to the northern boundary, at right angles to Earlswood Road, would benefit from the softening impact of existing landscaping and minimise the visual impact of the building on the street scene. The location proposed would enjoy the benefit of existing landscaping to the north and west around the boundary of the school site, and would be screened to the south by the existing school building. The external materials would draw on the existing colour palette of the school.

33. Whilst the building proposed has a basic visual appearance and Officers would have reservations over its use in a more prominent, or sensitive, location, I would consider that the proposed layout respects the character of the surrounding environment and would not be unacceptable in this particular case. The external materials proposed draw from the existing school buildings seeking to integrate the development on site. The use of a modular building allows a modern method of construction, encompassing off-site manufacturing. This technique helps to reduce waste during construction, as well as to cut the construction time and disruption on site. Therefore, subject to conditions

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requiring the submission of external materials for prior approval, and that before development is commenced the applicant demonstrates that the development would achieve a sustainable and energy efficient building, I consider that the design aspect of the proposed development would accord with the appropriate Development Plan Policies, including Kent and Medway Structure Plan Policy QL1, and Ashford Borough Local Plan Policies GP2 and GP6.

**Noise and Hours of Use**

34. Objections have been received from nearby residents over the potential for the Centre as proposed to generate unacceptable levels of noise within adjoining residential gardens. In turn, a resident suggested that activities in these gardens, including the use of power tools within a workshop, would potentially impact in noise terms on the proposed Centre. Objections has also been raised to the extent of the hours of use proposed for the Centre – 0800 to 1800 hours, 5 days a week, 48 weeks a year.
35. In reference to the concerns over the potential noise impact, I note the type of use proposed is unlikely to generate an unacceptable increase in the existing background noise levels already generated by the school during its day to day activities. I acknowledge that the hours of use proposed would extend the normal school hours and comment further on this point below. However, whilst the building would be sited on the boundary, the use proposed is not particularly intensive or likely to generate a continuous or high level of noise. Taking account of the length of the gardens and boundary treatment, I would not raise a planning objection to the development on noise grounds. I note the resident's comment about the proximity of his workshop to the proposed building, however, again I do not consider that the use of this facility is likely to have an unacceptable impact on the development proposed.
36. The hours of use proposed would not extend the existing hours of operation at the school site by a substantial amount. I note that the hours would extend the regular school hours until 1800 hours, however, there is already an existing after school club run in the mobile building positioned along the northern boundary from the application site. The hours of operation proposed are not extensive, and would mirror an extended school day. The proposed use of the site would be in harmony with Government initiatives for Extended Schools, making the best use of the facilities available for the benefit of the wider community. Given the size of the Centre and the numbers of potential visitors suggested in the application, in my opinion, the Centre would not cause an unacceptable impact to adjoining residential properties as a result of the hours set out above.

**Security**

37. The Police Architectural Liaison Officer has raised a suggestion about the security implications of providing a flat roof on the building proposed, and the need to prevent opportunities for young people who may access the school grounds after hours to climb on the structure. Whilst the applicant has advised they would be unable to achieve a pitched roof as part of this scheme, they have agreed to install anti climb measures to limit access to the roof as suggested by the Liaison Officer. Therefore, subject to a condition requiring that acceptable measures be put in place, I would not raise objection to the proposals on security grounds.

**Landscaping**



38. The application as proposed would result in the loss of 5 small trees and various low-level shrubs planted within the development site. The proposals would retain all other landscaping, including the hedgerow that continues along the northern boundary of the site. I note the observations made by a local resident about the need for further landscaping to soften the building as proposed. Whilst there would be limited space between the proposed development and the boundary of the site to achieve any substantial enhancements to the existing arrangements. Given the vegetation that would be lost as part of the proposals, I would consider that the provision of a landscaping scheme detailing appropriate replacement planting around the school grounds, where it can be accommodated, would be reasonable. Therefore, I would make any recommendation subject to the provision of an appropriate landscaping scheme.

### **Conclusion**

39. I consider that the design and layout of the development as proposed accords with the Development Plan, and that there are no material considerations that indicate I should recommend otherwise. The Divisional Transportation Manager has considered the highway implications of the development in the context of the existing school and is not raising an objection to the proposal. The proposed use would increase the number of visitors to the site, however, I consider that the type of use would distribute these movements across a normal day, and would not have a perceivable or unacceptable impact on the congestion experienced at peak travel times. I therefore consider that, subject to the imposition of appropriate conditions, the benefits associated with the provision of a community facility outweigh any detrimental impacts the proposals may have and that planning permission should be granted.

### **Recommendation**

40. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of conditions, including the following:

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- details of external materials to be submitted;
- details of a scheme of landscaping to be submitted;
- details of cycle parking;
- details confirming that the development will achieve a sustainable and energy efficient building;
- details of foul and surface water drainage;
- replacement car parking to be provided prior commencement of use of the Centre,
- details of anti-climb measures/ barriers to be submitted and installed on the building;
- hours of use for the Children's Centre to be restricted to 0800 to 1800 Monday to Friday;
- the use of the building to be restricted specifically to use as a Children's Centre only; and
- submission, implementation and ongoing review of a Travel Plan for the Children's Centre.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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**E1 COUNTY MATTER APPLICATIONS AND DETAILS PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** - The deposited documents.

- |                |   |
|----------------|---|
| DA/07/147/R8   | Change of use to facility for the processing and recycling of plastic materials.<br>Veka Recycling Ltd, Former Night Freight Building, Manor Way, Swanscombe                      |
| GR/07/784      | Proposed care suite and treatment room extension.<br>Higham Primary School, School Lane, Higham, Rochester  |
| SW/05/1392/R3A | Amended elevations to the organic waste reception building pursuant to condition (3) of planning permission SW/05/1392.<br>Countrystyle Recycling Ltd, Ridham Dock, Sittingbourne |
| TM/07/3285     | Change of use of unit for Waste Electrical and Electronic Equipment storage, transfer and recycling.<br>MDJ Light Brothers, Royal British Legion Industries, Hall Road, Aylesford |

**E2 CONSULTATIONS ON APPLICATIONS SUBMITTED BY DISTRICT COUNCILS OR GOVERNMENT DEPARTMENTS DEALT WITH UNDER DELEGATED POWERS - MEMBERS' INFORMATION**

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Since the last meeting of the Committee, I have considered the following applications and - decided not to submit any strategic planning objections:-

**Background Documents** - The deposited documents.

- |            |   |
|------------|---|
| TW/07/3066 | Demolish existing building; Erection of 2 x 2 bedroom houses and 1 x 3 bedroom house and 3 parking spaces.<br>37 Quarry Road, Royal Tunbridge Wells |
| TW/07/3413 | Change of use from Restaurant (A3) to Council run "Gateway Centre" (Sui-Generis).<br>8 Grosvenor Road, Royal Tunbridge Wells                        |

**E3 COUNTY COUNCIL DEVELOPMENT APPLICATIONS AND DETAILS  
PURSUANT PERMITTED/APPROVED UNDER DELEGATED POWERS  
MEMBERS' INFORMATION**

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Since the last meeting of the Committee, the following matters have been determined by me under delegated powers:-

**Background Documents** – The deposited documents.

- AS/05/687/R5&R7 & AS/06/435/R5&R7 Details of hard and soft landscape works and details of walls and fences.  
The John Wesley Primary School, Off Cuckoo Lane, Singleton, Ashford
- AS/06/980/R4, 5, 6 & 7 Details of external materials, lighting and hard landscaping, tree survey and landscape planting.  
Phoenix Junior and Primary School, Belmont Road, Ashford
- AS/07/1614 Installation of a storage container.  
Aldington Primary School, Roman Road, Aldington, Ashford
- AS/07/1597 Temporary consent for mobile classroom to accommodate the school nursery.  
High Halden Church of England Primary School, Church Hill, High Halden, Ashford
- CA/07/886 Replacement boundary fencing.  
Whitstable Community College – Church Street Playing Field, Church Street, Whitstable
- CA/06/1392/R Amended details – Amendments including the provision of a single storey plant room and changes to the positioning of windows and doors – Erection of a detached three storey block of 40 extra care apartments for the elderly.  
King Edward Court, King Edward Avenue, Herne Bay
- CA/06/1392/R3 Reserved details – Details of a scheme of landscaping.  
King Edward Court, King Edward Avenue, Herne Bay
- CA/06/1392/R5 Reserved details – Details of all external lighting.  
King Edward Court, King Edward Avenue, Herne Bay
- CA/06/1392/R6 Reserved details – Details of cycle parking.  
King Edward Court, King Edward Avenue, Herne Bay
- DA/06/1167/R5 Details of a scheme of landscaping.  
Stanley Morgan House, Shirehall Road, Wilmington, Dartford
- DO/07/1098 Retention and renewal of mobile classroom.  
Vale View Primary School, Vale View Road, Elmsvale, Dover

GR/07/591	Construction of a single storey modular building with a flat roof and brick clad external walls including canopies to the front and rear and the creation of 4 new parking spaces. Shears Green Infant School, Packham Road, Northfleet, Gravesend
GR/07/706	Extension to hard surfaced area to provide enlarged parents/children's waiting area plus widening of pedestrian gates to existing Wrotham Road entrance. Meopham Community Primary School, Longfield Road, Meopham
GR/07/792	New 2-storey block comprising 5 sports changing rooms; associated toilets; staff, officials and disabled changing areas; stores; sports departmental office; a resistance room; a multi-purpose (dividable) activity area; a sixth form study/dining area; associated servery and toilets; sports hall stores and external store; and increased car parking provision. Gravesend Grammar School, Church Walk, Gravesend
GR/06/773/RA	Amended details – Amendment to extension of fence height to include improved fence design to surround the entire school site. Ifield School, Cedar Avenue, Gravesend
MA/06/1745/R2	Reserved details of surface water drainage for new electrical sub-station and transformer building. Cornwallis School, Hubbards Lane, Maidstone
MA/07/1481/R2	Fencing and gates details between points C and D. Oak Trees Community School, Oak Tree Avenue, Maidstone
MA/07/1878	Re-clad walls and roof of swimming pool enclosure. Loose Junior School, Loose Road, Maidstone
MA/07/1919	Infill of existing courtyard. Oakwood House, Oakwood Park, Maidstone
SH/06/1287/R	Amended smoke flue venting. Whitegates, Whitegates Close, Hythe
SW/07/960	First floor extension to sports hall to provide viewing gallery/classroom. The Westlands School, Westlands Avenue, Sittingbourne
SW/07/397/R	Amended details – Amendment to the shape and size of the steel framed portal building. The Westland School, Westland Avenue, Sittingbourne
SW/07/770/R	Amended details – Amendment to location of single storey classroom – Science pod permitted under planning permission SW/07/770. Highsted Grammar School, Highsted Road, Sittingbourne
SW/07/1094	Retention and renewal of a mobile classroom. Sheldwich Primary School, Lees Court Road, Sheldwich

SW/07/1134	Extension to the front elevation of the main school building. Richmond First School, Nursery Close, St Helens Road, Sheerness
TH/07/75/R7	Archaeological investigation report pursuant to condition 7 of planning permission TH/07/75. Stone Bay School, 70 Stone Road, Broadstairs
TH/07/628/R3	Details of materials to be used externally for Childrens Centre pursuant to condition (3). Newington Junior School, Princess Margaret Avenue, Ramsgate
TH/07/628/R5	Details of a scheme of landscape works for Childrens Centre pursuant to condition (5). Newington Junior School, Princess Margaret Avenue, Ramsgate
TH/07/628/R6	Details of cycle parking for Childrens Centre pursuant to condition (6). Newington Junior School, Princess Margaret Avenue, Ramsgate
TH/07/628/R	Minor amendments to north elevation of Childrens Centre. Newington Junior School, Princess Margaret Avenue, Ramsgate
TH/07/828/R&RA	Amended details – Amendment to 1.8m high weld-mesh fence and emergency evacuation gate. Minster Church of England School, Molineaux Road, Minster, Ramsgate
TH/07/1194	Erection of a single storey extension to create new staff room. Newington Junior School, Princess Margaret Avenue, Ramsgate
TM/07/187/R3	Details of all materials to be used externally. St James The Great Primary and Nursery School, Chapman Way, East Malling
TM/07/187/R4	Details of all external/site security lighting, including lighting of the car parking areas. St James The Great Primary and Nursery School, Chapman Way, East Malling
TM/07/1477/R	Minor amendments to elevations of school extension including change to window arrangements and to the finished floor level. The Discovery School, Discovery Drive, Kings Hill, West Malling
TW/07/1263/R	Amendment to the single storey extension to provide new library. Claremont Primary School, Banner Farm Road, Tunbridge Wells
TW/07/601/R6A	Amendments to the scheme for the disposal of foul and surface waters approved pursuant to condition (6). Bennett Memorial School, Culverden Down, Tunbridge Wells
TW/07/601/R4	Details of a scheme of landscaping. Bennett Memorial School, Culverden Down, Tunbridge Wells
TW/07/2425/R	Amended details – Amendments to window design. Tunbridge Wells Girls' Grammar School, Southfield Road, Tunbridge Wells

**E4      DETAILED SUBMISSIONS UNDER CHANNEL TUNNEL RAIL LINK ACT 1996**

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Since the last meeting of the Committee, the following matters have been determined/responded to by me under delegated powers:-

**Background Documents** – The deposited documents.

None

**E5      TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCREENING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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**Background Documents** –

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 – Environmental Impact Assessment.*

- (a) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does not constitute EIA development and the development proposal does not need to be accompanied by an Environmental Statement:-

None

- (b) Since the last meeting of the Committee the following screening opinions have been adopted under delegated powers that the proposed development does constitute EIA development and the development proposal does need to be accompanied by an Environmental Statement:-

DC3/SW/05/COMP/0016 Unauthorised EIA development: Without planning permission the material change of use of the land from that described within the Certificate of Lawfulness of Existing Use or Development dated 20 November 1996 granted by Swale Borough Council to a waste management use at Woodgers Wharf, Horsham Lane, Upchurch, Nr Sittingbourne

**E6 TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 – SCOPING OPINIONS ADOPTED UNDER DELEGATED POWERS**

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- (b) Since the last meeting of the Committee the following scoping opinions have been adopted under delegated powers.

**Background Documents -**

- *The deposited documents.*
- *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.*
- *DETR Circular 02/99 - Environmental Impact Assessment.*

None